

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46513 of 2019**

Arising Out of PS. Case No.-87 Year-2019 Thana- WAJIRGANJ District- Gaya

HIMANSHU KUMAR Son of Anuj Kumar Resident of Village - Kharaua,
P.S.- Atri, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhanshu Shekhar

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 26-07-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Wazirganj Police Station Case No. 87 of 2019, disclosing
offences under Sections 420 and 379 of the Indian Penal Code.

The allegation against the petitioner, as per the First
Information Report lodged by the Branch Manager of Finserv
Private Limited, Wazirganj, is that on 18.03.2019, the petitioner
had returned after recovery of amount and at that time, cash of
Rs. 2,91,300/- was kept in the branch. It has further been alleged
that the informant along with other employees went to attend a
meeting and the petitioner, finding himself alone in the branch,
stole cash and one laptop, amounting to Rs. 3,18,070/-.

Learned Counsel for the petitioner submits that the



petitioner has falsely been implicated in this case due to oblique motive. He further submits that the petitioner is also working in the same company and on the date of occurrence, he was told to visit some place, which the petitioner refused due to his illness, and for this reason, the Branch Manager has implicated the petitioner in this false case. He further submits that for the occurrence alleged to have taken place on 18.03.2019, the First Information Report was instituted on 20.03.2019, i.e. after a delay of two days, without any reasonable explanation.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner is also working in the same company and there is no recovery of stolen cash and laptop from the possession of the petitioner and further there is delay of two days in lodging of the First Information Report without any reasonable explanation, I find it a fit case for grant of privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Himanshu Kumar, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial



Magistrate, Gaya, in connection with Wazirganj Police Station
Case No. 87 of 2019, subject to the condition laid down under
Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall
present himself before the police/Court, as the case may be, as
and when required and in the event of failure on his part to
appear before the Court on two consecutive occasions, his bail
bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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