

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68679 of 2018

Arising Out of PS. Case No.-274 Year-2018 Thana- GANDHIMAIDAN District- Patna

Dinesh Kumar, S/o Shri Sahdeo Prasad @ Sahdeo Sao, Resident of Village- Sarai, P.S.- Maner, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 02-01-2019 Heard learned counsel for the petitioner,
learned counsel for the informant and learned APP for the State.

The petitioner is languishing in custody since 04.08.2018 in a case registered for the offences punishable under Sections 406 and 420/34 of the Indian Penal Code.

The prosecution case as per the written report of Rakesh Ranjan Prasad Sinha submitted to the Station House Officer of Gandhi Maidan Police Station is to the effect that the informant is the Cashier in an Auto Mobile dealership namely, Ashiana Hyundai. The petitioner being a vehicle registration agent used to work in the dealership of the informant and on his



instruction Rs.13,64,044/- was entrusted to petitioner's brother, Ramesh Kumar and one other agent Sunil Kumar, who misappropriated the said money.

It is submitted by learned counsel for the petitioner that as per the procedure of registration through the dealership, the petitioner has not been entrusted to any money. Moreover, the specific case of the informant is that the money was entrusted to Ramesh Kumar and Sunil Kumar and hence, no offence either under Section 406 IPC or under Section 420 IPC is made out against the petitioner. A statement has been made in paragraph 3 of the petitioner that the petitioner is not having any criminal antecedent.

It is submitted by learned counsel for the informant that at the instruction of the petitioner money was entrusted and he was in league with other accused persons, who actually misappropriated the money.

Considering the thrust of accusation against co-accused Ramesh Kumar and Sunil Kumar, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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 Sub-Judge XVII -cum-
Additional Chief Judicial Magistrate-XVII, Patna in connection
with Gandhi Maidan P.S. Case No. 274 of 2018.

(Dinesh Kumar Singh, J)

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