

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8315 of 2020

Arising Out of PS. Case No.-674 Year-2019 Thana- SAHARSA District- Saharsa

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KUMAR MANISH Son of Rajendra Kumar @ Rajendra Kumar Paswan
Resident of Village - Bhattha Dugbari, Guruduara Road, Purnea P.S. - Purnea
Town, District - Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Vinod Shanker Modi

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 25-06-2020 The present case was heard on 23.06.2020 at length
and today the case has been fixed for orders.

The petitioner apprehends his arrest in connection
with Saharsa Sadar P.S. Case No. 674 of 2019 for the offence
punishable under Sections 379, 420 and 34 of the Indian Penal
Code.

The case of the prosecution in brief, as per the
written report of Shri Ajit Kumar Shrivastava, Branch Manager
of Reliance Nippon Life Insurance Company Ltd., Saharsa, is
that on 02.07.2019, a sum of Rs.1,97,350/- was collected in the
day time on account of the normal business transaction,
however, the same was not deposited in Bank on 3rd July, 2019.
On 3rd July, 2019, one employee of the Branch submitted his



resignation and thereafter became untraceable and was not available on any of his phone number and on 02.09.2019 only, he picked-up his phone and denied to have taken the cash amount. It is further alleged that the other person, who used to deal with cash money namely Vishnu Kumar, and who worked for Radiant cash Management Services Pvt. Ltd., also denied to have received any cash. It is alleged that the said cash amount is missing from the Branch and the aforesaid two persons are alleged to have misappropriated the same.

The learned counsel for the petitioner has submitted that the petitioner has got no role to play in the said occurrence inasmuch as he had resigned from the aforesaid company on 3rd July, 2019. It is further submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent.

The learned A.P.P. appearing for the State has vehemently opposed the prayer for anticipatory bail.

I have heard the learned counsel for the parties and gone through the materials on record as also perused the materials available in the case diary from which it appears that the Sub-Divisional Police Officer, in his evaluative note dated 29.11.2019 has considered the materials on record as also the



statement of the witnesses, apart from the investigation conducted by the police and has opined that it is necessary to conduct further investigation before coming to any concrete conclusion.

Considering the facts and circumstances of the case and taking into account the materials available in the case diary, this Court is of the opinion that benefit of doubt can be extended to the petitioner, however, with certain conditions, since his interrogation by the police is essential, thus I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail, however, subject to certain conditions , which are being enumerated herein below..

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioner, above-named, shall be released on anticipatory bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 674 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C., with a further condition that the petitioner shall mark his attendance before the S.H.O. of the concerned police station at 10 A.M. on



each and every Monday of the week and in the event of his failure on two consecutive occasions to mark his attendance, the present privilege of anticipatory bail, being extended to the petitioner, shall stand revoked automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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