IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10939 of 2020

Arising Out of PS. Case No.-68 Year-2015 Thana- KOTWALI District- Patna

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Raman Choudhary S/o Sarw Narayan Choudhary Resident of Village - Khatuaha, Chhtrav Uttar Tola, P.S. - Khanpur, District - Samastipur.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Ghanshyam Choudhary
For the Opposite Party/s : Mr.Aditya Narayan Singh.1

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 09-07-2020 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor representing the State, through Video Conferencing.

This application, for grant of anticipatory bail, arises out of Kotwali Police Station Case No. 68 of 2015, disclosing offences under Sections 407/420/34 of the Indian Penal Code.

The allegation against the petitioner is that the amount of Rs. 2,50,000/-, by way of bankers cheque issued by the State Bank of India in favour of one purchaser/customer, Ajay Kumar, as loan for purchasing a car, was received by the petitioner and other co-accused persons and the said bankers cheque was deposited in the name of another purchaser/ customer of a car, namely, Kusum Prasad and the cash amount of Rs. 2,50,000/- given by said Kusum Prasad for purchasing a car was misappropriated and distributed amongst the petitioner and other co-accused persons.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and has falsely been implicated in this case. He further submits that in the confessional statement of co-accused Shalini Kumari, she has not stated against the petitioner; rather, she has accepted her guilt and deposited some amount and assured to refund the amount misappropriated by her.

On the other hand, learned Additional Public Prosecutor submits that co-accused Shalini Kumari, in her confessional statement, has categorically stated that the bankers cheque of Rs. 2,50,000/- was brought before her by the petitioner and other co-accused person, who told her to deposit the said cheque in the name of any other customer and the cash amount given by another customer would be distributed amongst the petitioner and other co-accused persons. He further submits that the First Information Report was instituted on 06.02.2015 and the petitioner was named in the First Information Report, but the petitioner has filed anticipatory bail application before the learned Court below in December, 2019, which fact has been taken note of in the impugned order.

Having regard to the submissions made on behalf of the parties and taking into consideration the materials on record in the totality and the fact that there is specific allegation of misappropriation of the amount deposited by the purchaser for purchase of a car from Vaus Automobiles, a car dealer, by the petitioner and other co-accused persons in the capacity of employees of the said car dealer, I am not inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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