

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26956 of 2020

Arising Out of PS. Case No.-123 Year-2020 Thana- GARDANIBAG District- Patna

Deepak Chandra Srivastawa, Son of Late Ram Chandra Lal, Resident of Mohalla- Panchwati Vihar, Bank Colony, P.S.- Phulwari Sharif, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Rajendra Narain, Sr. Advocate Mr. Sanjeev Kumar, Advocate
For the State	:	Mr. Ram Sumiran Roy, APP
For the Informant	:	Mr. Haridayal Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 05-11-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard Mr. Rajendra Narain, learned Senior Counsel for the petitioner and the learned APP for the State. The informant has also appeared and has vehemently opposed the prayer for anticipatory bail.

The petitioner is apprehending his arrest in connection



with Gardanibagh P.S. Case No.123 of 2020 registered for the offence under Sections 420, 406, 407, 408, 409/34 of the Indian Penal Code.

The prosecution case is that when the informant had gone to operate his Bank locker, he found that the locker was opened and the lever of the locker had disappeared. All the materials, including jewellery and cash, were found missing from the locker. The petitioner is said to be the Service Manager for the locker operation and as such, he has been implicated in this case.

Mr. Rajendra Narain, learned Senior Counsel representing the petitioner submits that the prosecution case is false. In fact, CCTV footage available would show that the informant had visited the locker room twice. At the first instance, he had left the Bank without intimation to the Bank authority. If at all the locker was left open, the informant himself would be responsible for the same as the lock of the locker after operation was capable of being closed by the informant himself with single key which was with the informant. Since he had not informed the Bank authority before leaving the locker room after earlier operating the locker, responsibility of leaving the locker opened cannot be attributed to the Bank employee. It is



further submitted that as soon as the petitioner came to know about the matter, it was reported by the petitioner, whereafter an inquiry was also conducted in respect of the allegations. The locker supplier agency has also recorded that without both the keys (account holder key and master key), the locker could not have been opened. The Regional Manager of the Bank has also dealt with the charges levelled against the petitioner (Annexure 3). The Regional Manager has clearly stated that, in fact, the informant has committed lapse when he earlier operated the locker by leaving the locker room without information the Bank authority. Suspicion has also been raised that the quantum of cash and jewellery, alleged to be missing in the F.I.R., could not have been kept in a locker, the size of which the petitioner is having in the Bank. Learned Senior Counsel appearing for the petitioner also submits that the petitioner, who is at the verge of retirement, has spotless career.

Learned APP for the State has opposed the prayer for pre-arrest bail.

Learned counsel for the informant has submitted that the informant has lost a considerable amount of jewellery and cash, for which the petitioner can only be held responsible.

Considering the rival submissions, this Court is



inclined to allow petitioner's prayer for grant of anticipatory bail.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 the learned Additional Chief Judicial Magistrate-XIV, Patna, in connection with Gardanibagh P.S. Case No.123 of 2020, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel



would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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