

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69337 of 2019**

Arising Out of PS. Case No.-770 Year-2019 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Dhananjay Kumar @ Dhananjay Kumar Yadav, Son of late Umesh Yadav
Resident of Village - Mirjanhat, P.S.- Mojahidpur, Distt - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manish Dokania Son of Ramawtar Dokania Proprietor of Mobile Hub
Situatd at Khalifabagh Chaunk DR R P Road, P.S.- Kotwali, Distt -
Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Swapnil Kumar Singh- Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar Jha- A.P.P.
For the Informant	:	Mr. Madan Mohan- Advocate

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

7 15-09-2020 Heard learned counsel appearing for the petitioner,

learned Additional Public Prosecutor appearing for the State as

well as learned counsel appearing for the informant through

video conferencing.

Petitioner apprehends his arrest in connection with

Complaint Case No.770 of 2019 registered for the offences

punishable under Sections 379/ 418 of the I.P.C.

Admittedly, petitioner was working in the shop of the

opposite party no.2 and in course of audit, it was detected that

several mobile phones were missing from the shop, petitioner

and one other was custodian of the aforesaid mobile phones.



Furthermore, it is alleged that petitioner and other employee confessed before the opposite party no.2 that they had stolen and sold the mobile sets. However, the petitioner and other employee agreed to pay the cost of mobile sets to opposite party no.2, but they did not pay the cost of the mobile sets to the opposite party no.2. Further, it is alleged that opposite party no.2 sent legal notice to petitioner as well as other employee and in response to the aforesaid notice, wife of petitioner as well as father of the other employee approached the opposite party no.2 and executed an agreement, in which they agreed to pay the cost of mobile sets to opposite party no.2 within agreed period, but they failed to do so and, thereafter, opposite party no.2 filed the above stated complaint case.

Learned counsel appearing for the petitioner submits that no occurrence, as alleged in the complaint, did ever take place and, as a matter of fact, the petitioner was terminated from service by the complainant and when petitioner demanded his wages, the complainant brought the above stated false complaint case against the petitioner. He further submits that petitioner did not receive any legal notice nor executed any agreement and so far as the agreement 'in question' is concerned, the complainant got executed the above stated agreement from the wife of the



petitioner after adopting coercive method.

On the other hand, learned counsel appearing for the opposite party no.2 opposed the prayer submitting that opposite party no.2 was only interested to recover his amount and that was the reason, he sent legal notice to petitioner, but in response to the aforesaid legal notice, petitioner sent his wife, who subsequently, agreed to make payment to opposite party no.2 by executing deed of agreement.

Regard being had to the above stated facts and circumstances of the case as well as submissions of the parties, I do not feel it proper to extend the privilege of anticipatory bail to petitioner and, accordingly, his prayer for anticipatory bail stands rejected.

However, petitioner is directed to surrender before the Court below within six weeks from today and, if he does so, and seeks regular bail, the same shall be considered by the concerned Court on its own merit without being prejudiced by this rejection order.

(Hemant Kumar Srivastava, J)

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