

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63596 of 2019

Arising Out of PS. Case No.-617 Year-2019 Thana- KANKARBAG District- Patna

SANJEEV KUMAR Son of Rajeshwar Prasad Singh Resident of Vivek bihar,
Road No.-2, Hanuman Nagar, P.S. and P.O.- Kankarbagh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sayed Imran Ghani
For the Opposite Party/s	:	Mr.Ajit Kumar
For Informant	:	Mr. Baukxi S.R.P.Sinha, Sr. Advocate

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

ORAL ORDER

7 11-12-2020 Heard learned counsel for the petitioner, learned
Additional Public Prosecutor for the State as well as learned
counsel for the informant.

Petitioner apprehends his arrest in connection with
Kankarbagh P.S. Case No. 617/2019 registered for the offences
punishable under Sections 406 and 420 of the Indian Penal
Code.

Informant claimed in his written report that petitioner
was his employee and he was looking after his Convention
Centre but in between 14.5.2019 to 15.5.2019, he decamped
with cash of Rs. 50,000/- as well as other valuable articles
including some other important documents.

Learned counsel appearing for petitioner submits that,



no doubt, petitioner was employee of the informant but, as a matter of fact, the informant did not pay salary of the petitioner for several months and when the petitioner demanded his salary, the informant lodged this case after more than one month from the so called alleged occurrence. Learned counsel of the petitioner drew my attention towards paragraph 9 of the case diary and submitted that the Investigating Officer has, specifically, mentioned in the aforesaid paragraph that informant did not produce any evidence to show that the petitioner decamped with Rs. 50,000/- but in spite of that Investigating Officer opined that the case is true against the petitioner.

On the other hand, learned counsel appearing for the informant drew my attention towards order dated 18.10.2019 and submitted that earlier petitioner agreed to settle the dispute by way of amicable settlement but, subsequently, he reiterated back from his above stated promise.

Learned Additional Public Prosecutor opposed the prayer but he fairly conceded that after going through the case diary, he did not find any prima facie evidence to prove the allegation levelled against the petitioner.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition



is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Smt. Madhavi Singh, JMFC, Patna Sadar/concerned court in Kankarbagh P.S. Case No. 617/2019 subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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