

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74086 of 2019

Arising Out of PS. Case No.-712 Year-2018 Thana- BETTIAH CITY District- West
Champaran

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ADITYA KUMAR MISHRA @ ADITYA MISHRA S/o Madan Mishra R/o
village- Nawada, Pandey Tola, P.S.- Kotawa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Mithlesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 21-01-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner apprehends his arrest in a case registered
under Sections 406, 420, 379, 120B of the Indian Penal Code.

Petitioner is the informant of the present case and
during the course of investigation the police suspected the
complicity of the petitioner who was Branch Manager of the
Swadhar Finserve Pvt. Ltd. There was collection of Rs. 7-8 lacs
per day by the company which was used to be kept in the iron
vault locker. Among two keys of the locker one was kept with
the petitioner and another with one Damini Kumari, an
employee, and locker can be opened using both keys. On
10.08.2011 and 11.08.2011 the total loan recovered amount was



Rs. 24,69,860/- and coin of Rs. 27,556/- On 11.08.2018 at about 7.30 PM in presence of all staffs locker was locked by both the keys. It is alleged that on 13.08.2018 when the locker was opened by both keys it was found that coins were there but currency of Rs. 24,69,860/- was missing. It is stated that earlier Branch Manager Avinash Dutta was in jail custody in a dowry case and four keys were with him and only two keys were given to the petitioner and Damini Kumari. FIR was lodged against unknown persons.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. He is himself the informant of the case. The locker cannot be opened with one key and the key was in possession of petitioner only for few days. One of the co-accused Durgesh Kumar has already been granted provisional anticipatory bail by a co-ordinate Bench of this Court vide order dated 15.11.2019 passed in Cr. Misc. No. 69999 of 2019. Petitioner has no criminal antecedent.

Considering the facts and circumstances of the case, the application is disposed of with direction to the petitioner to surrender in the court below within a period of four weeks from the date of receipt of a copy of this order in the court below, be



released on provisional bail till submission of charge sheet on furnishing bail bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned court below, in connection with Bettiah (T) P.S. Case No. 712 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and once charge is submitted and any serious incriminating material comes against the petitioner, he has to surrender in the court below and pray for regular bail, which will be considered by the court below on the basis of materials available at that time.

(S. Kumar, J)

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