

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2064 of 2020

Arising Out of PS. Case No.-221 Year-2019 Thana- MOUZAHDIPUR District- Bhagalpur

Lalit Sharan Singh, son of Late Shyamu Singh, Resident of Rajpur, P.S.-
Rajpur, District-Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Apurva Kumar, Advocate Mr. Avinash Chandra, Advocate Mr. Kumar Vikram, Advocate
For Informant (BISCOMAUN)	:	Mr. Y.V. Giri, Sr. Advocate Mr. Ashish Giri, Advocate Mr. Rajat Kr. Tiwary, Advocate
For State	:	Mr. Pramod Kumar Pandey (APP)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 28-02-2020 Heard learned counsel for the parties concerned.

Petitioner apprehends his arrest in connection with
Mojahidpur (Babarganj) P.S. Case No. 221 of 2019, registered
for the offence punishable under Section 406, 409, 120B and 34
of the Indian Penal Code.

The allegation against the petitioner as per the first
information report is that the petitioner, who, at the relevant
point of time, was posted as Assistant Store Keeper at
Bhagalpur in BISCOMAUN and during the period 22.02.2015
to 30.09.2018, he has misappropriate the total amount of Rs.
11,29,781.00/-.

Mr. Apurva Kumar, learned counsel appearing for the
petitioner submits that petitioner was a godown incharge of the



BISCOMAUN and had supplied the goods to the farmers and did not deposit the amount received by him towards the sale proceeds since he could not recover the same from the consumers and that is why he did not deposit the amount in the BISCOMAUN. Learned counsel further submits that the petitioner is ready and willing to make good the loss to the BISCOMAUN inasmuch as the petitioner will pay the entire amount mentioned in the FIR, i.e. Rs. 11,29,781/-, to the BISCOMAUN within a period of six months from today positively. Learned counsel further submits that out of the aforesaid amount, a sum of Rs. 2,40,840/- has already been paid by the petitioner.

On the other hand, Mr. Ashish Giri, learned counsel for the informant, vehemently opposes the prayer for anticipatory bail, but on the offer of refund being made by the petitioner, learned counsel submits that if the petitioner pays the entire amount to the BISCOMAUN within a stipulated time as granted by this Court, the petitioner may be enlarged on anticipatory bail subject to the condition that the entire amount due to the BISCOMAUN shall be paid by the petitioner without fail.

After having heard learned counsel for the parties and



taking into consideration the fact that the petitioner is ready and willing to pay the entire amount due to the BISCOMAUN I am inclined to grant the petitioner privilege of anticipatory bail subject to the condition that he shall pay a sum of Rs. 11,29,781/- less the amount already paid by the petitioner, to the BISCOMAUN if any, within a period of six months from today.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail subject to the aforesaid condition and with further condition that at the time of surrender, the petitioner shall pay a sum of Rs. 1.5 lakhs to the BISCOMAUN with due acknowledgment and the petitioner shall annex the proof of deposit of Rs. 1.5 lakhs in BISCOMAUN along with surrender -cum- bail application.

It is made clear that if the petitioner fails to fulfill the terms and condition of the bail, the BISCOMAUN shall have the liberty to take steps for cancellation of his bail bonds in accordance with law.

This application is accordingly allowed.

Let the petitioner, above named, in the event of his



arrest or surrender before the Court below within four weeks, 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 learned Chief Judicial Magistrate, Bhagalpur, in connection with Mojahidpur (Babarganj) P.S. Case No. 221 of 2019, subject to the conditions as above.

(Anil Kumar Sinha, J.)

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