

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25550 of 2021

Arising Out of PS. Case No.-762 Year-2020 Thana- ARA NAWADA District- Bhojpur

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VARUN KUMAR, Son of Arun Kumar @ Arun Kumar Srivastava, Resident of Village - Powerganj (Near Ganesh Rice Mill), P.S.- Ara Nawada, Distt.- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.
For the Informant : Mr. Maya Shankar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-09-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel for the informant and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Ara Nawada P.S. Case No. 762 of 2020 registered for the offence punishable under Sections 406, 420, 467, 468, 379/34 of the Indian Penal Code and Section 138 of Negotiable Instruments Act. He is in custody since 06.01.2021. The petitioner has otherwise no criminal antecedent.

As per the First Information Report, this petitioner



happened to be one of the employees of the informant who was running the business centre of the informant. The petitioner is said to be the coordinator-cum- Store Incharge of consumer electronic items and co-accused Pradip Kumar who was incharge of mobile service. It is alleged that during the Corona period the shop was closed but after the lockdown was over the informant found that the petitioner and the co-accused were not coming to the shop, therefore, he personally went there and found that goods worth rupees 3.25 lacs and cash of rupees two lacs had been stolen away. The informant further alleged that both the persons were found running their own business in the name of M/S V.S. Enterprises at Buxar where he tried to contact them but no reply came from the petitioner and the co-accused. The informant further alleged that on contact one cheque of Rs. 4,90,000/- was given by co-accused Pradip Kumar which stood dishonoured on presentation.

Learned counsel for the petitioner submits that on perusal of the First Information Report itself, it would appear that the informant did not like the career progression of the petitioner and as the petitioner got involved in his own business the informant started making allegation against him and has made false allegations that the petitioner had stolen away some



goods or cash amount.

Learned counsel further submits that no stolen article has been recovered from the premises of the petitioner. So far as the cheque of Rs. 4,90,000/- is concerned, learned counsel submits that the same was issued under signature of co-accused Pradip Kumar, however, as it appears from the materials on the record after dishonour of cheque no notice was issued either to the co-accused Pradip Kumar or to this petitioner.

Learned counsel for the informant has opposed the prayer for regular bail of the petitioner. In his submission the petitioner is one of the persons working with the co-accused Pradip Kumar and he had also undertaken to return the amount, the cheque was issued under signature of co-accused Pradip Kumar. On query made by this Court, learned counsel for the petitioner admits that after dishonour of the cheque no demand notice was issued to this petitioner.

Considering the facts and circumstances of the case, the dispute being in the nature of business dispute and the cheque which stood dishonoured has not been issued by this petitioner, no demand notice was ever served upon him after dishonour of cheque and the petitioner has remained in custody since 06.01.2021, this Court directs release of the petitioner



above named on bail on furnishing bail bond of Rs. 25,000/-
(Rupees Twenty Five Thousand only) with two sureties of the
like amount each to the satisfaction of learned Chief Judicial
Magistrate, Bhojpur at Ara in connection with Ara Nawada P.S.
Case No. 762 of 2020, subject to the condition as laid down
under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify
the criminal antecedent of the petitioner and in case at any stage
it is found that the petitioner has concealed his criminal
antecedent, the court below shall take step for cancellation of
bail bond of the petitioner. However, the acceptance of bail
bonds in terms of the above-mentioned order shall not be
delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

