

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32112 of 2020

Arising Out of PS. Case No.-121 Year-2011 Thana- ROSERA District- Samastipur

SHAILESH KUMAR PANDIT, S/o Kailash Pandit, Resident of Village-West
Tola Akchhari, P.S.-Kahalgawn, District-Bhagalpur ... Petitioner
Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Abhay Shankar Singh, Adv.
For the Opposite Party : Mr. Khurshid Anwar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 22-02-2021 As prayed for, let the learned counsel for the
petitioner remove the defect(s), as pointed out by the office vide
it's note, dated 27.11.2020, within four weeks of starting of the
Court proceeding in physical mode properly.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with
Rosera P.S. Case No. 121 of 2011, registered under Sections
420, 406, 409, 471 and 120B/34 of the Indian Penal Code.

The accusation is that the informant, Sheikh Hussain,
is the Divisional Manager in Share Microfin Ltd. engaged in
providing the loan to women after forming group of women to
the tune of maximum of Rs.20,000/-, which is to be returned in
50 installments. The Company appointed six staffs for Rosera
Branch, namely, Rakesh Kumar, Dharmvir Sao, Ranjeet Kumar,



Mantu Kumar Rai, Shailesh Kumar Pandit and Rahul Kumar.

All staff, on instruction of Rakesh Kumar, distributed loan of Rs.23,62,000/- to different groups of women under the scheme. When, on 07.07.2011 audit was made of Rosera Branch, then, it has come in the knowledge that staff engaged there under conspiracy misappropriated Rs.23,62,000/-.

Submission is that it would appear from the first information report that the informant, who claimed to be the Divisional Manager in Share Microfin Ltd. is resident of district Mantur, State of Andhra Pradesh, while the petitioner had applied for the post of staff for the Branch of Rosera and he was selected, but, he never jointed at Rosera. The informant only visualizing the list of staff, implicated the petitioner also while the petitioner has never discharged his duty in the Rosera Branch for a day. Further, submission is that co-accused, Rakesh Kumar, has already been allowed the privilege of pre-arrest bail vide Cr. Misc. No. 45385 of 2013 on 14.11.2013.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Rosera P.S. Case No. 121 of 2011 shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees



ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, I, Rosera, Samastipur, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code and further that the petitioner shall cooperate with the investigation and make himself available as and when required in the case in future.

(Rajendra Kumar Mishra, J)

Shamshad/-

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