

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32384 of 2020

Arising Out of PS. Case No.-398 Year-2020 Thana- AGAMKUAN District- Patna

PANKAJ KUMAR Son of Yamuna Prasad Resident of Village- House No.
-238, Defence Colony, Kankarbagh, P.S.- Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 09-02-2021 Heard Mr. Jitendra Narain Sinha, learned Advocate for the petitioner and Mr. Md. Aslam Ansari, the learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Agamkuan P.S. Case No. 398 of 2020 dated 20.06.2020 instituted for the offence under Section 409 of the Indian Penal Code.

The petitioner worked as operational executive with Blue Dart Express Limited and he is alleged to have defalcated an amount of Rs. 5,61,395/-.

Learned counsel for the petitioner has submitted that the accusation in the FIR is absolutely false. There is no denying the fact that the petitioner was one of the operational executives of the company but along with him one Ranjit Kumar Shah also was



collecting money from the customers. There was a shortage of Rs. 6.91 lakhs in the company's account. The petitioner was stated to have deposited only Rs. 1,30,000/-. This is how the figures of Rs. 5,61,000/- has been calculated.

Learned counsel for the petitioner has submitted that when the entire records were audited by the authorities of the company, an amount of Rs. 3,27,000/- was found to be payable by the petitioner to the company.

The petitioner has admitted his liability to pay back Rs. 3,27,000/-.

Learned counsel for the petitioner has further submitted that he is ready to return the aforesaid amount after deducting five months of his salary which he has not been paid by his employer company.

Considering the aforesaid background of the case, I am inclined to grant anticipatory bail to the petitioner but subject to the condition that he deposits Rs. 1,50,000/- to the company and obtains a receipt thereof. The aforesaid payment shall be under protest and would be subject to his rights and contentions later in the case.

If the petitioner surrenders before the court below within a period of ten weeks and furnishes proof



of his having deposited Rs. 1.5 lakhs with the company, subject to his rights and contentions later, he shall be released on bail, from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Patna City, Patna in connection with Agamkuan P.S. Case No. 398 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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