

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48 of 2021

Arising Out of PS. Case No.-221 Year-2020 Thana- UDAKISHUNGANJ District-
Madhepura

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Sajan Kumar @ Sajjan Kumar Son of Shri Chhotalal Poddar Resident Of
Village - Karauti Bazaar. P.S. - Udakishanganj, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Sr. Advocate
	:	Mr. Malay Kumar Choudhary, Advocate
For the Opposite Party/s	:	Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-11-2021 Heard Shri Ajay Kumar Thakur, learned senior
counsel assisted by Shri Malay Kumar Choudhary, learned
counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks anticipatory bail in connection
with Udakishanganj P.S. Case No. 221 of 2020 dated
22.07.2020 instituted for the offences under Sections 420, 406
and 34 of the Indian Penal Code.

Learned senior counsel for the petitioner, at the outset,
submits that the petitioner is a person with clean antecedent and
further draws the attention of this Court to order dated
21.09.2021 in Cr. Misc. No. 277 of 2021 whereby the co-
accused Pawan Kumar, Bhawesh Kumar and Alok Kumar have
been granted privilege of anticipatory bail with certain



conditions. On query of the Court that the case of the aforesaid three co-accused is not similar to what has been alleged against the present petitioner in the F.I.R., the learned senior counsel fairly submits that though exactly there is no parity but the allegation is that all the accused persons in connivance had committed the occurrence. The learned senior counsel further submits that the allegation in the F.I.R. is that the amount deposited by the informant in C.S.P. Centre was fraudulently withdrawn. The informant claims that she had deposited Rs. 50,000/- in all in her account but according to ledger of the bank it was found to have been withdrawn unauthorisedly. Further, that the C.S.P. was being run by this petitioner.

Learned senior counsel further submits that the petitioner is willing to return an amount of Rs. 35,000/- to the informant further that since other co-accused have already deposited Rs. 30,000/- in the court below subject to the decision of the case but this petitioner will not dispute the fact later that the parity was not maintained insofar as the amount was concerned and the manner in which the same was to be deposited.

The learned senior counsel further submits that since petitioner is running the business and is a person with clean



antecedent it may be a possibility without his knowledge those employees may have committed the occurrence for which vicariously he has been held liable.

Learned A.P.P. for the State had initially opposed the anticipatory bail application of the petitioner but later agrees with the submission of the learned senior counsel for the petitioner as the petitioner has agreed to pay the amount to the informant unconditionally.

Considering the facts and circumstances of the case in it's totality, the petitioner above-named, in the event of their arrest or surrender before the learned Court below within a period of ten weeks, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Madhepura in connection with Udakishanganj P.S. Case No. 221 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The petitioner shall be enlarged on anticipatory bail only after verifying the fact that the amount as agreed by the petitioner has been paid to the informant.

The amount so returned by the petitioner to the



informant in no manner would be construed as guilt of the petitioner. It is only for the purposes of bail as the learned senior counsel for the petitioner on instruction from the petitioner has submitted that he will pay the aforesaid amount to the informant unconditionally.

(Satyavrat Verma, J)

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