

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2826 of 2021

Arising Out of PS. Case No.-12 Year-2012 Thana- GANDHIMAIDAN District- Patna

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SANJAY KUMAR S/O LATE CHANDRAKET SINGH R/O VILLAGE
PHULPARA, P.S. DHANARUA, DISTRICT PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manindra Kishore Singh, Advocate

For the Opposite Party/s : Ms. Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 22-07-2021 Heard Mr. Manindra Kishore Singh, learned
counsel for the petitioner and Ms. Rina Sinha, learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Gandhi Maidan P.S. Case No. 12 of 2012 dated 12.01.2012 instituted for the offences under Sections 419, 420, 467, 468, 471 and 120(B) of the Indian Penal Code and Section 66(c) of the I.T. Act.

One Sarfa Mobin has lodged the FIR alleging that she had purchased equity funds of Birla Sun Life and Tata Company through Angel Broking Company in which the petitioner also was a staff member. It has been alleged that the equity shares have been encashed by taking the Branch Manager of the ICICI Bank, Exhibition Road in connivance and all the accused



persons including the petitioner have misappropriated the aforesaid amount.

Learned counsel for the petitioner has submitted that shortly after lodging of this case, two of the staff of the share brokers company were arrested. Later, the entire money due to the informant was paid and therefore an application for compounding was filed before the court below. It has further been submitted on behalf of the petitioner that when this case was lodged, the parentage of the petitioner was not correctly stated and, therefore, the petitioner never surrendered to the process of law. It was only after eight years that the police started looking for the petitioner.

Hence the need for filing the present anticipatory bail application.

Apart from this, it has been submitted that the petitioner never worked on regular basis in the company of Dilip Kumar Singh with whom the informant has compounded the case. Dilip Kumar Singh and Vikas Kumar Singh have been granted bail by the court below. When the court below has refused to grant anticipatory bail to the petitioner for the reasons that two of the accused persons of this case have obtained bail after surrendering before the court below and therefore another accused person of this case ought not to be



granted anticipatory bail.

Mr. Singh, however, submits that the case of aforesaid two persons is absolutely different from the case of the petitioner. The offence has been compounded and the accusation against the petitioner has been hurled only on misconception that he also was an employee of Angel Share Brokers.

Regard being had to the aforesaid facts and circumstances of the case and taking into account that in this case cognizance has not been taken, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks 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-XIV, Patna in connection with Gandhi Maidan P.S. Case No. 12 of 2012, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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