

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19560 of 2021

Arising Out of PS. Case No.-286 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Himanshu S/O Sudhir Kumar Jaiswal Resident Of Mohalla - Chhata Bazar
Near Gandhi Chowk, Nanak Sharan Gali P.S- Kazi Mohammadpur, Dist-
Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Santosh Kumar Giri S/o Laxmi Narayan Giri Worker of Samasta Micro
Finance, R/o- Gumti No. 50, Dharampur Chowk, Tajpur Road, P.S.-
Muffasil, Distt.- Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Sanjay Kumar @ S.K., Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For Opposite Party No.2	:	Mr. Ranjeet Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 02-02-2022 The matter is being heard through video conferencing

due to circumstances prevailing on account of Covid-19

pandemic.

Heard the parties.

The petitioner apprehends his arrest in connection

with Samastipur Muffasil P.S. Case No. 286 of 2020 registered

for the offences under Sections 420, 467, 468, 406 and 120(b)

of the Indian Penal Code.

Petitioner is alleged to have defalcated huge amount

of Rs,2,77,000/- of Samasta Micro Finance, Samastipur Branch

which was detected after audit.



It has been submitted by learned counsel for the petitioner that when this allegation has been made against the petitioner, thereafter he has given resignation. He also submitted that some more persons are alleged to have made defalcation of Rs.6,72,000/- but no FIR has been registered against them.

Mr. Ranjeet Ranjan, learned counsel for the opposite party no.2, submits that the petitioner is a cunning person and after resignation of the petitioner and submission of the audit report, first information report was registered against the petitioner.

So far as other two persons, namely, Abhiket Shyamal and Vishal Kumar are concerned, they have defalcated some more amount of the financial company but they have returned the amount to the company and therefore, no FIR was registered against them and the petitioner cannot take advantage of non-registration of FIR against them.

The banks and NBFCs are run on trust and if their employees start defalcating money of public at large, they do not deserve sympathy of this Court.

Considering the aforesaid facts and circumstances of the case, this application for anticipatory bail is dismissed.

The petitioner is directed to surrender in the court



below within four weeks from today.

This is a case which was instituted on 04.07.2020.

Since now the petitioner has been directed to surrender in the court below, the interim order of protection dated 08.12.2021 is vacated.

If the petitioner does not surrender in the court below within the next four weeks from today, the Superintendent of Police, Samastipur will take all steps to arrest the petitioner.

Let a copy of this order be communicated to the Superintendent of Police, Samastipur through FAX for its compliance immediately.

Mr. Jharkhandi Upadhyay, learned APP for the State, is also directed to communicate this order to the Superintendent of Police, Samastipur on Whatsapp.

Mr. Ranjeet Ranjan, learned counsel for the opposite party no.2 is also given liberty to communicate this order to the Superintendent of Police, Samastipur on Whatsapp and also personally for its compliance.

(Sandeep Kumar, J)

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