

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19497 of 2021

Arising Out of PS. Case No.-43 Year-2020 Thana- BARSOI District- Katihar

HIRALAL YADAV @ HEERALAL YADAV S/O RAN VIJAY YADAV R/O
VILLAGE-BHAWANIPUR, P.S-GOPALPUR (O.P RANGRA), DISTRICT-
BHAGALPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra
For the Opposite Party/s : Mr. J.N.Thakur

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 09-03-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the petitioner and learned APP for the State.

The petitioner apprehends his arrest for the offences alleged under Sections 406 and 420 of the Indian Penal Code, registered in connection with Barsoi P.S.Case No.43 of 2020.

The informant of the case is Mr. Ravi Kumar, who is the Branch Manager in Financial Service Ltd. As per allegation, the petitioner was an employee of the Company. The allegation against the petitioner is that after collection of Rs. 6,80,000/- from different collection points, mentioned in the FIR, he fled away. The names of the account holders and the amount deposited have been described in the FIR itself.

The learned counsel for the petitioner has submitted that the petitioner was an employee, but he left the financial company in November, 2019 due to non-payment of salary. He has also submitted that as per the FIR, the petitioner absconded from 24.02.2020, although he has left the Financial Company before lodging of the FIR.



On the other hand, Mr. J.N.Thakur, the learned APP has submitted that the petitioner has misappropriated the amount collected from the customers of the Financial Service Ltd. and paragraph nos. 50 and 52 of the case diary contain the statements of a number of account holders, who have stated that they were depositing the instalments to the present petitioner and the amount of instalments was given in the hands of the present petitioner.

Considering the above facts and circumstances, it is not a fit case for anticipatory bail. The prayer on behalf of the petitioner for anticipatory bail is hereby rejected.

If the petitioner surrenders and seeks bail before the court below, his application shall be considered and disposed of on its own merit, without being prejudiced by this order.

Office shall ensure that all defects are removed by the petitioner within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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