

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17381 of 2023**

Arising Out of PS. Case No.-289 Year-2020 Thana- KASIMBAZAR District- Munger

HEMANT KUMAR CHAUDHARY @ HEMANT KUMAR SON OF  
RAMNANDAN CHOUDHARY EX-MARKETING AGENT, HINDUJA  
LEYLAND FINANCE, RESIDENT OF WARD NO. 11, NEAR  
PANCHAYAT BHAWAN, PARMANANDPUR, P.S. CHERIA  
BARIYARPUR, DIST. BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Raj Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 4      07-08-2023      1. Heard learned counsel for the petitioner, learned  
A.P.P. for the State and learned counsel for the informant.
2. The petitioner apprehends his arrest in a case  
registered for the offences punishable under Sections 406 and  
420 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that  
petitioner has antecedent of one case.
4. The informant alleges that customer disclosed to  
Ritik Raj and Rohit Kumar that petitioner had collected monthly  
installment i.e. E.M.I. for loan given by the company to them  
for purchasing two wheeler. Thereafter, it transpired that  
petitioner has not deposited an amount of Rs.14,25,140/- in the  
account of the company.



5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that the FIR came to be instituted on 13.10.2020 and thereafter when the petitioner came to know about the institution of a false FIR implicating him in the present case he tendered his resignation and the same was accepted by the company. It is thus submitted that if what has been alleged in the FIR is true then definitely the company would not have accepted the resignation of the petitioner. The acceptance of the resignation of the petitioner by the company in itself demonstrates that the company was aware that petitioner has been made a scapegoat in the preset case. It is next submitted that petitioner tendered his resignation because he was aggrieved by the fact that no inquiry was held prior to instituting the present FIR and the FIR came to be instituted in haste implicating him thus he tendered his resignation which was accepted.

6. Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submission of the learned counsel for the petitioner that as to why the company accepted his resignation subsequent to the date of FIR when the



FIR was instituted on 13.10.2020 itself. Learned counsel for the informant also brings to the notice to this Court that petitioner in his anticipatory bail application had taken a plea that he was removed from service in the year 2018 which is not a correct fact rather his resignation was accepted on 19.10.2020.

7. At this stage, learned counsel for the petitioner submits that petitioner will not abscond rather will cooperate in the investigation and will present himself as and when required by the investigating officer of the case for eliciting the truth and proving his innocence.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kasim Bazar P.S. Case No. 289 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, it is made clear that if the investigating officer of the case files an application bringing to the notice of



the learned court below that petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself when required by the investigating officer, the learned court below shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

10. Let a copy of this order be sent to the concerned police station through the learned court below.

11. It is further made clear that if the charge-sheet is submitted against the petitioner connecting him with the offence then the present anticipatory bail order shall loose its effect.

**(Satyavrat Verma, J)**

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