

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23642 of 2023

Arising Out of PS. Case No.-398 Year-2018 Thana- CHANPATIA District- West Champaran

LALAN KUMAR SON OF NATHUNI DAS RESIDENT OF VILLAGE -
MAHUA SINGH RAY, P.S.- MAHUA, DISTT. - VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Shubham, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.
For the BISCAMAN : Mr. Vikas Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-07-2023

1. Heard learned counsel for the petitioner, learned
for the BISCAMAN Mr. Vikas Kumar and learned
the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 409, 420, 467 and 468 of the Indian Penal Code.

3. The informant alleges that petitioner who was posted as Incharge Krishak Seva Kendra from 20.12.2016 to 29.12.2017 misusing his position did not deposit the money earned in the account of BISCOMAN from the sale of fertilizer to farmers and thus misappropriated an amount of Rs. 9,41,000/-, it is next alleged that the petitioner deposited an amount of Rs. 3,40,000/- but still Rs. 6,01,000/- is due to be



deposited.

4. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that from perusal of the allegation as alleged in the FIR it would manifest that the same records that petitioner was posted as Incharge Krishak Seva Kendra from 20.12.2016 to 29.12.2017 and the present FIR came to be instituted on 01.10.2018, it is next submitted that the petitioner disputes that he owns any money to the BISCOMAN, it is further submitted that being the Store Manager he handed the money to the staff for depositing the same, however, the staffs who were entrusted with the money used to deposit less amount in the Bank Account of BISCOMAN. It is also submitted that from perusal of the FIR itself it would manifest that the receipt which are enclosed amply demonstrates that the money was handed over to Sujeet, Alok and Sujeet Prasad for depositing and the petitioner had no knowledge as to whether they were depositing the amount received in the account of the BISCOMAN or not.

5. Learned counsel for the petitioner submits that the 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.

6. Learned A.P.P. for the State and learned counsel for the BISCOMAN opposed the prayer for anticipatory bail of the petitioner and the learned counsel for the BISCOMAN submits that the petitioner had accepted in presence of the officials of the BISCOMAN that he had defalcated the said amount and is willing to return but now he is resiling from his stand.

7. The learned counsel for the petitioner rebuts the submissions and submits that petitioner stands terminated and since the services of the petitioner stands terminated why the petitioner would have given any undertaking to the officials of the BISCOMAN for returning the amount when he was not involved in the occurrence.

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 trial court 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 trial court where the case is pending/successor court in connection with Chanpatia P.S. Case No. 398 of 2018 subject to the conditions as laid down



under Section 438 (2) of the Cr.P.C.

9. However, it is made clear that in the event, if the investigating officer of the case files an application before the learned trial Court bringing to its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself when called for the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner forthwith after recording reasons.

The counter affidavit filed on behalf of the BISCOMAN is taken on record.

(Satyavrat Verma, J)

GauravSinha/-

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