

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26641 of 2023

Arising Out of PS. Case No.-396 Year-2022 Thana- RAMKRISHNANAGAR District- Patna

NIRAJ KUMAR Son of Late Hajari Prasad R/o 21 Prem Medical Gali
Khagaul Road , Dhirachak, Anishabad, PS- Gardanibagh, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Deepak Kumar, so of Ram Krishna Prasad, resident of New Jaganpura,
Near Tridev Mandir, P.S. Ramkrishna Nagar, District Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Brajesh Prasad Gupta
For the State	:	Mr. Dinesh Singh
For O.P. No.2	:	Mr. Shailesh Kashyap

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 24-08-2023 Heard learned counsel for the petitioner, learned counsel for
the opposite party no.2 and learned A.P.P. for the State.

2. Although this case has been listed under the heading ‘For
Orders (On Office Notes)’ to consider the report of the process
server but opposite party no.2 has appeared through this
Advocate, hence, with consent of all the parties, it has been
heard for final disposal at this stage itself.

3. The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 341, 323, 406 &
506/34 of the Indian Penal Code.

4. The petitioner, being an employee of the informant, in
association of other co-accused employee, is said to have stolen



280 kgs of mild white, which market rate is Rs.80,000/-.

5. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case. As a matter of fact, the petitioner was an employee of the informant and he left the work in May, 2022. At the time of resignation an altercation took place for the payment of due salary for which he was entitled. Due to which, the informant concocted some false story to take revenge from the petitioner. It is further submitted that the petitioner has left the job of opposite party no.2 in the month of May, whereas the present false F.I.R. has been lodged on 30.07.2022. It is further submitted that one similarly situated co-accused has been granted anticipatory bail by the learned Court below. It is also stated that the so-called video clip has not been handed over to the police. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

6. Learned APP assisted by learned counsel for the opposite party no.2 opposed the prayer for bail and submitted that the said video clip was given to the police but the police has not brought on record in the case diary.

7. Having regard to the facts and circumstances of the case as also the fact that it appears to be trivial dispute of employer



and employee, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Ramkrishna Nagar P.S. Case No. 396 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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