

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29536 of 2022

Arising Out of PS. Case No.-318 Year-2020 Thana- MOTIPUR District- Muzaffarpur

ABHINAV KUMAR S/o Murari Sharma Resident of Village- Gopalpur, P.O.
Makhar, P.S.- Akbarpur, District- Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Suman Kumar Verma,Advocate
For the Opposite Party/s	:	Mr.Vinod Shanker Modi,APP
For the Informant	:	Mr. Ranjeet Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 07-02-2023 Heard learned counsel for the petitioner, informant
and learned APP for the State.

The petitioner apprehends his arrest in connection
with Motipur P.S. Case No. 318 of 2020 for the offence
registered under Sections 409 and 420 of the Indian Penal Code.

As per the prosecution story, the informant posted as
Regional Manager in Samasta Micro Finance Limited Company
(henceforth for short 'the Company') alleged that the accused
persons including the petitioner herein defalcated a sum of
Rs.11,72,102/- from its Motipur Branch between the period
November, 2019 to March, 2020. The petitioner was Branch
Manager of the said Motipur Branch.

Learned counsel for the petitioner submits that during



his tenure in the said Branch as a Branch Manager, he was new to the Branch and the other employees may have manipulated which resulted into his signing the document and thus, the present implication. It is his further submission that without accepting the allegation that has come in the FIR, in view of the fact that he has served the said company and there has been alleged misappropriation of Rs. 11,72,102/-, he on its own would like to deposit Rs. 2,34,400/- being 1/5th of the said amount through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials. He would further approach and sit with the Company authorities to check the documents.

Learned counsel for the informant, on the other hand, although opposes the prayer for anticipatory bail concedes that in view of the fair submission put forward by the learned counsel for the petitioner, he may be allowed to appear before the authorities and present this case.

Considering the aforesaid fair submissions put forward by both the parties, as also the fact that the petitioner do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail subject of payment of Rs.



2,34,400/- as stated above and further he will be appearing before the authorities on the date and time to be fixed by them.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Additional District and Sessions Judge-I, Muzaffarpur in connection with Motipur P.S. Case No. 318 of 2020 corresponding to G.R. No. 4199 of 2020 subject to condition as laid down under Section 438(2) of the Cr.P.C with further conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall co-operate in the investigation and made himself available to the police as and when required.

(Rajiv Roy, J)

Jagdish/Neha/-

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