IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56634 of 2021

Arising Out of PS. Case No.-38 Year-2021 Thana- MUZAFFARPUR TOWN District-Muzaffarpur

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JAI SHANKAR SINGH S/O SACHIDANAND SINGH R/o village-Madhopur Kapur, P.S.- Kudhani, District- Muzaffarpur

... ... Petitioner/s

Versus

1. The State of Bihar
2. Akash Kumar, son of Bhupalmani Singh, resident of Mohalla/village Sankar Asthan, Mali Gahat, Ward No. 41, P.S.Mithanpura, Distt. Muzaffarpur, presently posted as RIKS Manager, Rediant Cash Management Co.Muzaffarpur

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Nachiketa Jha
For the Opposite Party/s : Mr. Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

7 03-01-2023 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 counsel for the informant.

The petitioner apprehends his arrest for the offences alleged under Sections 406 and 420 of the Indian Penal Code, registered in connection with Muzaffarpur Town P.S.Case No. 38 of 2021.

The informant is the Manager in Rediant Cash Management and the petitioner was working under him. The job of the petitioner was to collect money from the Reliance Petrol Pump and to deposit the same in the account of the Company maintained in the State Bank of India, Bhagwanpur Branch, Muzaffarpur. Rs. 9,89,786/- was collected, but the petitioner was apprehended by flying squad deployed at the occasion of the election. The flying squad seized the money, but later on it was handed over to the petitioner. There is allegation that despite the receipt of the money from the flying squad, the petitioner did not deposit the same either in the Bank or with the informant.

The learned counsel for the petitioner has submitted that the entire money has been deposited to the informant and he has issued receipts in that regard which has been annexed with the bail petition. He has also submitted that prior to the occurrence, the petitioner used to deposit the collected money to the informant which is not a disputed fact.

Learned counsel for the informant has submitted that neither the present money has been deposited to the informant nor on earlier occasion any money was deposited to the informant. It was the duty of the petitioner to deposit the money in the State Bank of India, Bhagwanpur Branch, Muzaffarpur and not to the informant. He has also submitted that all the receipts submitted by the petitioner are forged and fabricated.

The fact in dispute in this case is whether the receipts alleged to be issued by the informant are genuine or forged? It is still to be investigated by the investigating authority. The investigation is still pending.

Considering the above facts and circumstances, let the petitioner above-named, in the event of his arrest or surrender within four weeks from the date of communication of this order, **be released on bail** on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Muzaffarpur in connection with Muzaffarpur Town P.S.Case No. 38 of 2021 **only till conclusion of investigation,** subject to the conditions as laid down under Section 438(2) Cr. P.C.

The petitioner shall co-operate with the investigating authority. If it is found that he is not co-operating with the investigating authority, the court below shall be at liberty to cancel his bail bond.

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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