

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45794 of 2022

Arising Out of PS. Case No.-243 Year-2021 Thana- SASARAM NAGAR District- Rohtas

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SANJEEV KUMAR Son of Late Kalika Singh Resident of Village - Rajeev
Nagar , Road No.24, P.s.- Rajiv Nagar, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Krishna Prasad Singh, Sr. Advocate
For the Opposite Party/s	:	Mr.Jagdhar Prasad,APP
For the Informant	:	Mr. Madhu Prasun, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 08-02-2023 Heard Mr. Krishna Prasad Singh, learned Senior

Counsel for the petitioner, informant and learned APP for the

State.

The petitioner apprehends his arrest in connection
with Sasaram (Town) P.S. Case No. 243 of 2021 for the offence
registered under Sections 406, 409, 420, 465, 473, 447 and
120(B) of the Indian Penal Code.

As per the prosecution story, the petitioner who was
serving with Shree Ram Transport Finance Company Ltd. in the
district of Rohtas as Branch Manager defalcated around Rs.
34,00,000/- along with other associates and thus, caused huge
loss to the company. After the audit, the entire misdemeanor of
the petitioner came into picture and accordingly, the FIR was



lodged.

On 04.01.2023, this Court directed the petitioner to sit with the informant side and see to it whether they can arrive to any amicable settlement or not.

Pursuant thereto a supplementary affidavit has been filed stating that they could not come to an amicable settlement.

Further, learned Senior Counsel submits that there are three accused in the present case and as such, for the present without accepting the allegation, he can repay at best 1/3rd of the alleged misappropriated amount that comes to around Rs. 11.33 lakhs which he will be paying through bank draft in the following manner:

- (i) Rs. 5 lakhs, at the time of execution of bail bond;
- (ii) Rs. 2 lakhs by the last date of every month beginning March, 2023 for the next three months and in the last month, altogether around Rs. 33 thousands will be paid.

Learned counsel for the informant, on the other hand, although submits that there is allegation of misappropriation of Rs. 34 lakhs something, in view of the fact that the petitioner has made an offer, so far as the anticipatory bail is concerned, he refrains from opposing it.

Considering the aforesaid submissions put forward by



the rival parties, FIR has been lodged and ultimately, the petitioner has to face the music, this Court is inclined to extend him privilege of anticipatory bail subject to the conditions as stated above.

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 C.J.M., Rohtas at Sasaram in connection with Sasaram (Town) P.S. Case No. 243 of 2021 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 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;

(iv) 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;

(v) 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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