

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46333 of 2022

Arising Out of PS. Case No.-103 Year-2021 Thana- GAYA KOTWALI District- Gaya

VICKY KUMAR SON OF AMBIKA PRASAD R/O VILLAGE-
MANIBIGHA SARISTABAD, P.S.- GHOSI, DIST.- JEHANABAD (BIHAR)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. DHIRAJ KUMAR SON OF SRI SURENDRA PRASAD SINGH R/O
VILL.- DHURIA TAND, P.O.- PANDEY PARSAWAN, P.S.- MAGADH
MEDICAL, DISTT.- GAYA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uma Shankar Sharma

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 24-06-2023 Heard learned counsel for the petitioner and the State.

Despite valid service of notice nobody appears on behalf of O.P.

No.2.

Petitioner apprehends his arrest in a case registered
for the offence punishable under Section 406/ 420 of the Indian
Penal Code.

As per the prosecution case, the informant, Branch
Manager of Kalawati Enterprises, alleged that this petitioner,
who was posted as DSE in the firm and his duty was to sell the
product and deposit the amount in firm but he committed fraud
and usurped Rs. 15 lakhs of the firm.

Learned counsel appearing for the petitioner submits



that petitioner is innocent and has falsely been implicated in the case due to ulterior motive. The petitioner has got no concern with defalcation. It is further submitted that petitioner joined as DSE in the firm on 1/3/2018 but he was removed from the post during lockdown without any notice. It is next submitted that audit and final calculation of the firm was done way back on 23/08/2019 in which defalcation of Rs. 22,19, 624/- was found but the FIR was lodged on 04/08/2021 without any cogent explanation for such delay. Petitioner has got clean antecedent.

Learned counsel appearing for the State opposes the prayer for anticipatory bail.

Considering the facts of the case, delay in lodging F.I.R., nature of accusation and clean antecedent of the petitioner, let the petitioner, above named, in the event of his arrest/ surrender within a period of six weeks from today shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-III, Gaya in connection with Kotwali PS case No. 103/ 2021, subject to conditions laid down u/s 438(2) of the Cr. P. C.

BKS/-

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(Prabhat Kumar Singh, J)

