

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50243 of 2022

Arising Out of PS. Case No.-38 Year-2022 Thana- AMARPUR District- Banka

GIRIDHARI KUMAR @ GIRDHARI KUMAR SON OF SURESH
PRASAD YADAV R/o village- Dumariya, P.S.- Rajoun, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Sharda Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 16-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case registered for the offences punishable u/s 406 and 420 of the Indian Penal Code.

As per the prosecution case, the petitioner and other co-accused persons withdrew Rs. 5,60,000/- illegally from the accounts of 17 different account holders. The petitioner and the co-accused persons were the employees of the alleged company.

Learned counsel for the petitioner has submitted that



the petitioner has falsely been implicated in this case. A petition signed by the account holders namely, Anguri Khatoon and Bibi Husain Aara Khatoon was filed stating that the amount was returned to them. Learned counsel has further submitted that account holders Anguri Khatun, Mustari Khatun and Bibi Hussain Aara Khatoon have stated that they have no grievance against the petitioner Girdhari Kumar by filing supplementary affidavit to this effect. The petitioner has no criminal antecedent as stated at para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Banka in connection with Amarapur P.S. Case No. 38 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

1. The petitioner is directed to remain physically present before the learned Court below on each and every date,



failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

2. The court below shall verify the criminal antecedent of the petitioner and at any stage, if it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Chandra Prakash Singh, J)

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