

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63852 of 2023

Arising Out of PS. Case No.-1152 Year-2014 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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1. BIRENDRA KUMAR SINGH Son Of Madhusudan Singh Resident Of Village- Chataro, PS- Kartaha, Dist- Vaishali
 2. SARIKA DEVI @ SARIKA KUMARI Wife Of Birendra Kumar Singh Resident Of Village- Chataro, PS- Kartaha, Dist- Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar
2. HIMANSHU SHEKHAR Son Of Sri Dinanath Sharma Proprietor Shail Enterprises, Gautam Budh High School Near, Patna Gaya Road, Jehanabad P.O. And P.S. And District Jehanabad

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Awadhesh Kumar Singh, Advocate
For the State : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 17-10-2023 1. Heard learned counsel for the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 1152 of 2014 registered for the offence punishable under Sections 420 and 406 of the Indian Penal Code.

3. The petitioner no.1 is alleged to be Sales Manager of a company engaged in the business of edible oil and petitioner No. 2 is wife of petitioner no. 1. The FIR has been lodged by stating that petitioner no. 1 introduced the informant to the company and the informant gave a cheque of Rs.



2,76,000/-for execution of an agreement. In spite of agreement, edible oil has not been supplied. The money is also not being returned.

4. The learned counsel for the petitioners submits that the petitioner no. 1 has been implicated because he was a Sales Manager. He had performed his duties professionally by virtue of his employment. There is no execution of any agreement between the petitioner and the informant nor any receipt of the amount given by the petitioner. In fact, he has become victim of the circumstance and implicated in all cases lodged by others, who had entered into agreement with the company in question. The same gives rise to his six antecedents stated in para-3 of the bail application. The petitioner has been allowed anticipatory bail in the other cases which is obvious from the orders passed in Cr. Misc Nos. 15178 of 2015, 28122 of 2015, 50863 of 2015 which are annexed as Annexure P/2 series. Petitioner no. 2 has clean antecedent.

5. The learned APP has opposed the prayer. It is submitted that the petitioner no. 1 is named accused and has antecedents.

6. Considering the nature of allegations against the petitioners, submission regarding discharge of professional



duties and lack of any agreement or transaction directly with the informant, the Court, for the limited purpose of grant of anticipatory bail, is inclined to accept the submissions of learned counsel for the petitioners.

7. Petitioners' prayer for anticipatory bail is allowed.

8. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Jehanabad, in connection with Complaint Case No. 1152 of 2014, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive



dates, their bail bond will be liable to
be cancelled.

(Madhuresh Prasad, J)

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