IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14134 of 2024

Arising Out of PS. Case No.-584 Year-2022 Thana- JAKKANPUR District- Patna

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Sanjeev Jha, S/o Shambhu Nath Jha, R/O Kissan Colony, Anishabad, Satya Gas Godown, P.S- Phulwarisharif, Distt.- Patna- 800002.

... ... Petitioner/s

Versus

The State Of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Nilanjan Chatterjee, Advocate Mr.Sahil Kumar, Advocate
For the State	:	Mr.Jitendra Kumar Singh, APP
For the Informant	:	Mrs. Vaishnavi Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

2. In the present case, the petitioner is apprehending his arrest in connection with Jakkanpur P.S. Case No. 584 of 2022 registered for the alleged offences under Sections 406 and 420 of the Indian Penal Code.

3. As per prosecution case, the petitioner while working as an Accountant in the office of the informant fraudulently transferred Rs.75,000/- in his account through net-banking and there is further allegation that the petitioner used the password and digital signature of the Directors of the company and then caused loss to the company.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner had been working in the company of the informant since April 2019 to 15th September 2022 and has been looking after the compliance work of the company. The petitioner did not transfer the amount of Rs.75,000/- to the account which belongs to the wife of the petitioner. Earlier the petitioner used to receive the money in the account of his wife for compliance work of the company since the petitioner was not having the net-banking facility. The learned counsel further submits that it is absurd to say that the petitioner transferred the amount as there is two steps verification process for net-banking with regard to fund transfer and one time password is sent to the mobile of the person who transfers the money and it is not believable that the informant provided the OTP to the petitioner and the informant did not know about transfer from his account. The learned counsel further submits that true fact of the case is that the petitioner was not paid his salary regularly and the amount of Rs. 8,50,000/- became outstanding against his salary and the last payment received by the petitioner was for an amount of Rs.1,99,985/- on 02.07.2022 against the said outstanding amount. The informant is in the habit of lodging

such cases and is involved in various criminal offences and has committed several acts of forgery to cheat his vendors etc. The learned counsel further submits that the FIR has been registered after a delay of more than 20 days for which there is no explanation. There is general allegation about the petitioner causing loss to the company by using password and digital signature and nothing has been brought on record to show such wrong doing on the part of the petitioner. The petitioner is having criminal antecedent of one case relating to Ramkrishna Nagar P.S.Case No.511 of 2022 and the said case has been lodged by the wife of the informant of the present case. The learned counsel further submits that moreover the petitioner is ready to return the aforesaid amount of Rs.75,000/- to the informant through demand draft.

5. Learned APP as well as learned counsel appearing on behalf of the informant oppose the submission made on behalf of the petitioner. The learned counsel for the informant submits that the averments made regarding non-payment of salary is false and there is material collected by the police during investigation which shows the petitioner created a false identity of the informant. The learned counsel further submits that the petitioner used the digital signatures for misleading the

vendors of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the willingness of the petitioner to return the aforesaid amount of Rs.75,000/- to the informant and further considering the nature of dispute in the background of claim and counter claim of the parties and also considering the possibility of false implication, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, 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 Additional Chief Judicial Magistrate-VIII, Patna, in connection with Jakkanpur P.S. Case No. 584 of 2022, **subject to condition that the petitioner will return the aforesaid amount of Rs.75,000/- to the informant through demand draft and file a receipt thereof before the learned court below at the time of furnishing his bail bond** and further conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

However, it is made clear that this payment is subject to final outcome of the case against the petitioner.

(Arun Kumar Jha, J)

V.K.Pandey/-

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