

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26251 of 2015

Arising Out of PS.Case No. -82 Year- 2014 Thana -JADIA District- SUPAUL

Kamlesh Kumar, S/o Sri Hira Bahadur Mukhiya, R/o village - Pathraha,
P.S. Kumarkhand, District – Madhepura.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Arun, Advocate.

For the Opposite Party : Mr. R.B.Roy Raman(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-07-2015 The petitioner is apprehending his arrest in connection with Jadia P.S. Case No. 82 of 2014 for the offences instituted under Sections 409, 420, 467, 468 and 471 of the IPC.

Heard learned counsel for the petitioner and learned counsel for the State.

The prosecution story, in brief, is that the petitioner was posted as Panchayat Rojgar Sewak at Piluahi Gram Panchayat under Triveniganj Block and at the time of making over the charge to new Panchayat Rojgar Sewak he did not produce and handed over cash-book, cheque book and other relevant register in order to suppress irregularities and illegality in making payment with respect to the different schemes. He issued cheques with respect to the amount which was beyond the allocated fund. The cash



register was found interpolated with fake signature for the period from 2007-08 to 05.05.2013. Several irregularities were found in the cheque book and this petitioner issued cheque with respect to an amount of Rs. 20,64,398/- which bounced because of lack of fund. Some discrepancies were found in scheme register and cash register. This matter was enquired and the DDC found the case of forgery, cheating and breach of trust committed by a public servant and so, directed the informant to lodge a case against the petitioner.

It has been submitted on behalf of the petitioner that the petitioner has falsely been implicated in the present case due to mistake of fact as to when there is no misappropriation of fund made on behalf of the petitioner. It is further submitted that the petitioner is ready to deposit Rs. 50,000/- in the court below which shall be subject to final disposal of the case.

On behalf of the State it has been submitted that there is specific allegation against the petitioner in respect to misappropriation of fund.

Considering the aforesaid facts and circumstances, it is directed the petitioner to deposit amount of Rs. 50,000/- in the court below which shall be subject to final disposal of the case and on doing so, let the petitioner above named, be released on bail in

the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Jadia P.S. Case No. 82 of 2014 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Supaul, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)