

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40323 of 2013

Arising Out of PS.Case No. -247 Year- 2011 Thana -DUMRA District- SITAMARHI

Umesh Kumar Singh, Son Of Late Surendra Prasad Singh, Resident Of
Village- Bishnupur Basudeo, Police Station- Runnisaidpur, District-
Sitamarhi

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kailash Nath Diwakar, Advocate

For the Opposite Party/s : Mr. Suresh Pd.Singh(APP)

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

5 09-04-2015 The petitioner figured as an accused in Dumra P.S. Case
No.247 of 2011 registered for the offences punishable under
Sections 406, 409, 420 and 120B of the Indian Penal Code.

The allegation against the petitioner is that he has
withdrawn a sum of Rs.3,00,000/- from the account of the
Panchayat without the signature of the Mukhiya.

Apprehending arrest, the petitioner filed A.B.P No.765
of 2013 in the court of Sessions Judge, Sitamarhi. The same was
dismissed on 16.8.2013. Hence, this application for grant of
anticipatory bail under Section 438 of Cr.P.C.

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

The question as to whether the petitioner has forged the

signature of the Mukhiya and has withdrawn the amount can be gone into at the trial. It is brought to the notice of this Court that the Mukhiya has written a letter (Annexure 3) for withdrawal of the case against the petitioner. This also needs to be verified.

Under these circumstances, it is not necessary to arrest the petitioner.

Hence, the application is allowed. In the event of arrest, the petitioner shall 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 Chief Judicial Magistrate, Sitamarhi, in connection with Dumra P.S. Case No.247 of 2011, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(L. Narasimha Reddy,CJ)

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