

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42509 of 2015

Arising Out of PS.Case No. -47 Year- 2015 Thana -RASULPUR District- SARAN

1. Harihar Singh Son of Late Gorakh Singh, resident of village- Shewri,
P.S.- Rasulpur, District- Saran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Siddharth Harsh

For the Opposite Party/s : Mr. Arun Kumar (APP)

CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR
DATTA
ORAL ORDER

4 17-12-2015 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner prays for anticipatory bail in a case
under Section 409 of the Indian Penal Code.

The allegation in short is that the petitioner as the
Chairman of Atarsan PACS had been sanctioned Rs. 32,10,000/-
for construction of Bio-Mas Gasifire cum Rice Mill and had
withdrawn Rs. 24,31,717/- from the said account whereas Rs.
9,50,000/- has been spent for the construction of building but the
Rice Mill has not yet been established nor the petitioner has
deposited Rs. 14,81,717/-

Learned counsel for the petitioner submits that the
petitioner, at the time of filing of the anticipatory bail application,



had submitted account showing the total expenses of Rs. 11,30,500/- which was found correct on the measurement of the work and the credit balance of the account was Rs. 6,78,000/- and the petitioner also deposited Rs. 6,75,000/-. Thus the amount lying with the petitioner at the time of filing of the application was only Rs. 7,26,500/-. In the meantime, during the pendency of the application, the petitioner has also deposited a further amount of Rs. 3,50,000/- and only Rs. 3,76,500/- is now payable by the petitioner for which outstanding amount the petitioner has already expressed readiness to deposit in para-12 of the anticipatory bail application.

Learned Additional Public Prosecutor upon perusal of the case diary submits that the petitioner has deposited the aforesaid amounts as claimed by him.

It is also submitted by learned counsel for the petitioner that the entire problem has arisen due to the fact that in the subsequent election of the PACS held in 2015 another person was elected as the Chairman and thereafter the petitioner became unable to carry out the work and without waiting for proper accounting to be done, the FIR has been filed against the petitioner.

It is further submitted that the petitioner is aged

about 76 years and for the said reason also he is fit to be granted anticipatory bail. Learned counsel also submits that the petitioner has clean antecedent.

On a consideration of the facts and circumstances of the case, it is directed that in view of the undertaking by the petitioner in the present application, in case the petitioner Harihar Singh, deposits the amount of Rs. 3,76,500/- within four weeks from today, then in the event of his arrest/surrender within a further period of four weeks, he shall be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each in connection with Rasulpur P.S. Case No. 47 of 2015 to the satisfaction of the concerned Judicial Magistrate 1st Class, Chapra, subject to the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that till four weeks from today, the petitioner shall not be arrested.

(Ramesh Kumar Datta, J)

S.Pandey/-

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