

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36584 of 2014

Arising Out of PS.Case No. -545 Year- 2013 Thana -PURNEA SADAR District- PURNIA

1. Chandeshwar Prasad Singh Son of Late Raghunath Prasad Singh
Resident of village- Koratbari, P.S.- K. Hat, Madhubani, Purnia, District-
Purnia.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. S.Eheshmuddin(App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

6 15-05-2015 Heard Counsel for the petitioner and Mr. Pandey,
learned APP for the State.

Petitioner apprehends his arrest in connection with
Purnea Sadar P.S. Case No. 545 of 2013 instituted under Sections
467, 468, 420 and 409 of the Indian Penal Code. The F.I.R.
precisely alleges that the petitioner, who was functioning during
the relevant time as the Branch Manager, in collusion with the
Managing Director of the Cooperative Society, defalcated a sum
of Rs. 43 lacs and odd. Subsequently, special audit was carried
out in which the role of the Managing Director was suspected in
embezzlement of the amount. The aforesaid Managing Director
namely Nityanand Das has been released on anticipatory bail vide
order dated 25.6.2014 passed in Cr. Misc. No. 18152 of 2014. The

petitioner may deposit part of the alleged defalcated amount for securing the privilege of bail.

Counsel for the State, on the other hand, draws attention of the Court to the relevant facts stated in the impugned order in order to show that the complicity of the petitioner has surfaced during the investigation of the case in diverse ways.

Considering that one of the co-accused was considered and rejected by the same order passed by the learned Sessions Judge has been released on anticipatory bail and the fact that the petitioner is ready to deposit part of the alleged defalcated amount, this Court directs that in the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed shall directed to be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in Purnea Sadar P.S. Case No. 545 of 2013 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(I) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court

below. In case of default on two consecutive occasions without any cogent/satisfactory reason, the bail bond of the petitioner shall be cancelled and thereafter the Trial Court will be at liberty to secure his arrest in accordance with law.

Along with the bail bonds, the petitioner will also furnish the demand draft in the sum of Rs. 9 lacs favouring the Registrar, Cooperative Societies, Government of Bihar which may either be fixed deposit or used in the discharge of official obligation(s). The amount so deposited shall, however, abide by the final outcome of the criminal prosecution lodged in the present case.

Pankaj/-

(Kishore Kumar Mandal, J)

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