

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23712 of 2015

Arising out of PS.Case No. -646 Year- 2014 Thana -FORBESGANJ District- ARRARIA

Kishore Kumar Das, S/o Late Krishna Mohan Das, resident of Village Huanauli, P.S. Paranpur, District Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Amit Kumar, Advocate.

For the Opposite Party : Mr. Madhuranand Jha(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 21-09-2015 Heard learned counsel for the petitioner and learned counsel for the State

The petitioner is apprehending his arrest in connection with Farbisganj P.S. Case No. 646/2014 for the offences instituted under Sections 406, 409, 420 and 120(B)/34 of the IPC.

The prosecution story, in brief, is that the petitioner being a B.D.O. of Forbisganj, he did not comply the guideline and Rules of B.R.G.F. and 4th Finance Commission and with collusion of Prop. Jaiytrimurti Traders Bam Bahadur Singh, misappropriated and defalcated the government money Rs. 42,05,100/-.

It has been submitted on behalf of the petitioner that the petitioner has been made accused due to mistake of fact. It is further submitted that there is no direct allegation of

misappropriation of money against the petitioner. It is being said that procedure laid down for installation of solar light and other has not been followed by the petitioner.

On behalf of the State it has been submitted that there has been misappropriation of Rs. 42,05,100/-. The petitioner is also directly involved in the said misappropriation of the public money.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Forbisganj P.S. Case No. 646/2014, pending in the court of the learned C.J.M., Araria. Anyhow, if the petitioner surrenders in the court below within a period of six weeks from the date of receipt/production of copy of this order the same shall be considered on its own merit if possible, the same shall be considered on the same day without being prejudiced by this order.

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(Sudhir Singh, J)