

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37493 of 2015

Arising Out of PS.Case No. -188 Year- 2014 Thana -NIRMALI District- SUPAUL

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Sanjay Kumar S/o Ramchandra Paswan, at present Nazir Nagar Panchayat,
Nirmali, resident of Nehru Marg, Ward No.6, Nagar Panchayat Nirmali,
P. S. Nirmali, District Supaul

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 12-08-2015

Heard both sides.

The petitioner apprehends his arrest in a case under
Section 409, 420 and 419 of the Indian Penal Code.

The prayer for anticipatory bail of the petitioner was
earlier rejected vide order dated 26.06.2015 passed in Cr. Misc.
No. 14647 of 2015.

Sri Ramakant Sharma, the learned Senior counsel for
the petitioner, submits that the petitioner got the vouchers of Rs.
1,75,000/- which was distributed to different persons under Kabir
Antyesthi Yojna (annexure-3). The money was withdrawn by the
signature of the petitioner and Ward Councilors. The petitioner is
ready to deposit the half of the rest amount, i.e., Rs. 3, 25,000/-.

The allegation against the petitioner is that he

misappropriated the entire amount and did not produce vouchers relating to the withdrawal of the amount which was shown as distributed amount to the dependants under Kabir Antyesthi Yojna.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If so advised, the petitioner may surrender in the court below, before, learned Chief Judicial Magistrate, Supaul in Nirmali P. S. case No. 188 of 2014 and pray for regular bail. the learned court below shall consider the prayer for regular bail of the petitioner taking into consideration the facts and documents submitted by the petitioner with regard to distribution of amount under Kabir Antyesthi Yojna and also take into consideration the fact that the petitioner is ready to deposit half of the amount alleged to have been defalcated and dispose of the petition for bail on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J)

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