

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42935 of 2015

Arising Out of PS.Case No. -186 Year- 2013 Thana -RAMGARH District- BHABHUA (KAIMUR)

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Kamlesh Prasad S/o Late Sri Nath Ram @ Shree Nath Prasad resident of village- Bharauli, P.S. - Sahpur, District - Bhojpur (Ara), at present posted as a Sub -Divisional Agriculture Officer at Saharsa Sub - Division, District - Saharsa.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Raj Kumar Mishra, Advocate.

For the Opposite Party : Mr. Nirmal Kr. Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 07-12-2015 Heard both sides.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 409 and 420 of the Indian Penal Code.

Allegation is made against Gauri Shankar Vidhyarthi the then Nazir of block office, Ramgarh that he defalcated Rs. 8,31, 754. 94/-.

It is submitted that the petitioner is not named in the FIR. There is no allegation that the petitioner defalcated any amount. After two years of institution of the case name of the petitioner surfaced during the course of investigation that too on the basis that the petitioner was negligent being Drawing and

Disbursing Officer and he should have inspected the cash book and other vouchers.

Considering the facts aforesaid and the fact that there is no allegation of defalcation against the petitioner, the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur, Bhabhua in Ramgarh P.S. Case No. 186 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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