

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48907 of 2015

Arising Out of PS.Case No. -92 Year- 2014 Thana -SHAMBHUGANJ

District- BANKA

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1. Chandan Kumar, Son of Late Shailendra Kumar,
Permanent resident of Gorgama, P.S. - Amarpur, District -
Banka, presently residing at - Babutola, Banka, P.S. -
Banka, District - Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.

For the Opposite Party/s: Mr. Shyam Bihari Singh (A.P.P.)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

3 23-11-2015 Heard learned counsel for the petitioner and
learned Assistant Public Prosecutor for the State.

This application for grant of regular bail arises
out of Shambhuganj P.S. Case No.92 of 2014, disclosing
offences under Sections 406, 409 and 420/34 of the Indian
Penal Code.

Learned counsel, appearing on behalf of the
petitioner, submits that the petitioner was initially



appointed, as an Orderly, on compassionate ground in Shambhuganj Co-operative Bank and was, subsequently, promoted as In-charge Cashier, with effect from 28.02.2013, in the bank. The matter relates to misappropriation of bank money. From the First Information Report, it appears that there is allegation of such misappropriation is against several employees of the bank.

Learned counsel for the petitioner submits that so far as this petitioner is concerned, there cannot be any question of misappropriation of bank money before he was promoted to the post on 28.02.2013, as he was not discharging his duties in any capacity in the bank, on the basis of which, any amount could have been entrusted to him. He submits that allegedly, after 28.02.2013, the petitioner was involved in misappropriation of a sum of Rs.92,400/-. He also contends that without prejudice to his contentions in the criminal case or departmental proceeding, the petitioner had deposited a sum of Rs.2,00,000/- with the bank. He also submits that if any case of misappropriation of bank money is finally proved against the petitioner, the bank can recover the same from the amount, which is due to the petitioner as an employee of the bank. Learned counsel for the petitioner further

submits that in view of the nature of allegation against the petitioner, there is no chance of him tampering with the evidence at the stage of trial. The petitioner is in custody since 25.08.2015.

Considering the submission, as above, this application is allowed. The petitioner, abovenamed, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of **learned Sub-Divisional Judicial Magistrate, Banka**, in connection with **Shambhuganj P.S. Case No.92 of 2014**.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required, and in the event of failure on his part to appear before the Court, on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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