

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56537 of 2015

Arising Out of PS.Case No. -77 Year- 2015 Thana -BAHADURPUR District- DARBHANGA

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1. Raghav Kumar son of Late Yogya Narain Giri, resident of village, P.O. & P.S.- Singhiya, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Jha
For the Opposite Party/s Mr. P.K. Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02 15.12.2015 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

Petitioner was Nazir at the relevant time but on transfer, he did not hand over the charge, upon which the concerned BDO lodged the present case on the direction of higher official.

The contention on behalf of the petitioner is that it is not a case of embezzlement of government money rather petitioner is said to have not handed over the complete charge, though it is admitted case of the petitioner that part charge has already been handed over by the petitioner. It is further submitted that if the petitioner is permitted to be released provisionally on bail, he shall give complete charge to the concerned official because for handing over charge, petitioner has to do account work as several bills/ vouchers are said to be pending since 1983.

Considering the aforesaid facts and circumstances, let

the petitioner be released on bail provisionally for a period of four months from the date of his release in connection with Bahadurpur P.S. Case No. 77/2015 on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Darbhanga subject to the condition that within the above stated period of four months, he shall hand over the complete charge to the concerned official and shall produce a certificate to this effect before the trial court and if the petitioner does so, the trial court/ court below shall confirm the bail of the petitioner but if he fails to do so, the concerned court shall not pass order of confirmation on provisional bail of the petitioner.

It goes without saying that the concerned official shall cooperate the petitioner in taking over charge from the petitioner.

Shahid

(**Hemant Kumar Srivastava, J.**)

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