

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.6130 of 2015**

Arising Out of PS.Case No. -400 Year- 2014 Thana -MADHUBANI TOWN District-  
MADHUBANI

=====

Ashok Kumar Gupta S/o- Late Narayan Prasad Gupta, R/o Mohalla-  
Sanicharasthan Road, R.K. College Gate, Ward No.- 11, P.O. + P.S.-  
Madhubani, District- Madhubani

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

=====

with

**Criminal Miscellaneous No.13880 of 2015**

Arising Out of PS.Case No. -400 Year- 2014 Thana -MADHUBANI TOWN District-  
MADHUBANI

=====

Malti Devi Wife of Sunil Mandal @ Surendra Mandal Resident of Village-  
Serma, P.S.- Rahika, District- Madhubani

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

=====

**Appearance :**

(In Cr.Misc. No.6130 of 2015)

For the Petitioner/s : Mr. Shri Prakash Srivastava

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

(In Cr.Misc. No.13880 of 2015)

For the Petitioner/s : Mr. Gagan Deo Yadav

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

=====

**CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA**

**ORAL ORDER**

4      02-07-2015                      Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under sections 406, 409, 420 and 120B of the Indian Penal Code and the fact that the petitioner Ashok Kumar Gupta (Cr.Misc.No. 6130/2015) has neither been named in the F.I.R. nor there is any allegation against him, in capacity of the Bank Manager, in relation to the alleged offence of misappropriation of the amount, this Court keeping in view that he has also got no criminal

antecedent would find him entitled for privilege of anticipatory bail.

That being so, if the petitioner, Ashok Kumar Gupta, surrenders before the court below within a period of four weeks from today, he shall be released 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 Chief Judicial Magistrate, Madhubani in Madhubani Town P.S.Case No. 400/2014, subject to the following conditions:

(i) That the court below shall make verification of criminal antecedent of the petitioner and if it is found that he is accused in any other criminal case, he shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(iii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below

will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iv) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

The same privilege, however, cannot be given to the petitioner, Malti Devi, in view of specific nature of allegation and therefore, while this Court was not inclined to grant privilege of anticipatory bail, learned counsel for the petitioner himself has offered that the petitioner being a lady will be depositing a sum of Rs.40,000/- in the name of the Collector of Madhubani District by Bank draft which may be kept subject to the result of the trial.

That being so, if the petitioner, Malti Devi, surrenders before the court below within a period of two months from today and produces a receipt showing payment of Rs.40,000/- by way of Bank draft in the name of the Collector of Madhubani District, she will be released 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 Chief Judicial Magistrate, Madhubani in Madhubani Town P.S.Case No. 400/2014, subject to the following conditions:

(i) That such amount of Rs.40,000/- deposited by the petitioner in the name of the Collector of Madhubani District shall, however, remain subject to the result of final outcome of the trial.

(ii) That both the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(iii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after her release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iv) That the petitioner will be well represented on each and every date of trial and if she fails to do so on two consecutive dates, her bail will be liable to be cancelled on this ground alone.

surendra/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

**(Mihir Kumar Jha, J)**