

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8360 of 2015

Arising Out of PS.Case No. -256 Year- 2014 Thana -AURAI District- MUZAFFARPUR

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Shri Prakash Kumar Son of Late Dama Prasad Srivastava, resident of
Village - Chenful, P.S. - Manjhi, District - Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Tiwary

For the Opposite Party/s : Mr. Ram Naresh Roy(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

7 06-10-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection with
Aurai P.S. Case No. 256 of 2014 registered for the offence
punishable under Sections 406, 409, 420, 467, 468, 471 and
120(B) the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner, at the relevant time, was acting in the capacity of
cashier in the office of the Land Acquisition Officer at
Muzuffarpur. It is further submitted that though certain cheques
have been issued under the signature of the petitioner but the said
cheque was prepared on the basis of instructions, received from
the Special Land Acquisition Officer and not without obtaining his

consent. It is further submitted that actually the cashier has no role to play in the land acquisition proceeding and only after everything having been done, and the award has been prepared in favour of the recipient/beneficiary that he is issued instruction for issuance the cheque. Learned counsel for the petitioner has drawn my attention towards Annexure-3 series wherein the award was prepared and the same forwarded to the petitioner for issuing cheques, in question.

Considering the aforesaid submissions and also the fact that there is no specific allegation has been made in the First Information Report against the petitioner, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of three weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Muzuffarpur in connection with Aurai P.S. Case No. 256 of 2014 corresponding to G.R. No. 6212 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C..

(Anjana Mishra, J)

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