

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47647 of 2015

Arising Out of PS.Case No. -74 Year- 2014 Thana -KOTWALI District- MUNGER

=====

Manoj Kumar Soni son of Late Ram Padarath Sah, resident of Mohanpur
(Sadar Bazar Near Masjid), P.S. - Jamalpur, District - Munger.

.... Petitioner

Versus

The State of Bihar through the Economic offence Unit, Patna.

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Jyoti Ranjan Jha

For the Opposite Party/s : Mr. Vishwanath Pd.Singh(Eou)

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 04-11-2015 Heard Sri N.K.Agrawal, learned Senior Counsel, who

was assisted by Sri Jyoti Ranjan Jha, learned counsel for the

petitioner and Sri Vishwanath Prasad Singh, learned Senior

Counsel, who was assisted by Smt. Soni Srivastava, learned

counsel for Opp.Party.

The petitioner apprehends his arrest in connection with

Special Case no.37/2014 (arising out of Munger Kotwali P.S.

Case no.74/2014) registered for the offence under Sections 406,

409,420, 467, 468, 471, 120B of the Indian Penal Code, Sections

7,12,13,14 of the Prevention of Corruption Act, 1988 and

65,66(ii)/72 of I.T. Act, 2000.

Sri N.K.Agrawal, learned Senior Counsel appearing on

behalf of the petitioner submits that of course, the petitioner has

been made accused in the F.I.R., there is no specific accusation against the petitioner. He submits that there is general allegation that the Government fund to the tune of Rs.1,70,82,000/- has been misappropriated. He further submits that in identical situation, in respect of some of the accused, this Court has extended the privilege of anticipatory bail after depositing 50 % of the misappropriated amount. On the aforesaid ground, a prayer is being made for extending the privilege of anticipatory bail to the petitioner.

Sri Vishwanath Prasad Singh, learned Senior Counsel appearing on behalf of Opp.Party has vehemently opposed the prayer of the petitioner. He submits that of course, in the F.I.R. there was allegation of misappropriating the amount of Rs.1,70,82,000, however during investigation the misappropriated amount has been enhanced for more than 7 Crore rupees. He further submits that during investigation, it was found that at least 50 % amount has been shared by the petitioner.

Besides hearing learned counsel for the parties, I have perused the materials available on record. Keeping in view of nature of accusation, I do not find any ground for extending the privilege of anticipatory bail to the petitioner. So far submission of learned Senior Counsel that some of the accused have been

extended the privilege of anticipatory bail after depositing 50 % of the misappropriated amount is concerned, this Court is of the opinion that while hearing anticipatory bail, such privilege may not be granted by this Court. The deposit of amount may be considered at the time of hearing of regular bail petition, not at the time of hearing of anticipatory bail petition.

The petition stands dismissed.

(Rakesh Kumar, J)

NKS/-

U			
---	--	--	--