

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4766 of 2015

Arising Out of PS.Case No. -290 Year- 2014 Thana -BETTIAH TOWN District-
WESTCHAMPARAN(BETTIAH)

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Janak Sah Son of Narsingh Sah Resident of Mohalla- Jamadar Tola, P.S.+.
- Bettiah, Dist- West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Chittranjan Singh, Sr.Adv.
Mr. Ashok Kumar Gupta, Adv.

For the Opposite Party/s : Mr. Ram Anurag Singh (App)

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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 against the petitioner for offence under sections 409, 420, 120B of the Indian Penal Code and the admitted position that the petitioner was the Chairman of Bettiah Nagar Parishad fromwhere a sum of Rs.49 lacs was paid despite the work being completed only of value of around 17 lacs (35%), this Court is not inclined to grant privilege of anticipatory bail to the petitioner who was supposed to be the main custodian and the head of the institution to ensure payment of any public money only after being satisfied of the work being completed.

Mr. Chittranjan Sinha, learned Senior counsel appearing on behalf of the petitioner, however, has explained that the action

of the petitioner in allowing payment cannot be faulted, especially when there was a report of the Junior Engineer and such payment was also made by the Chief Executive Officer.

Considering the fact that the allegation of misappropriation of a sum of Rs.32 lacs against the officials headed by the petitioner in capacity of the Chairman is the prosecution case which will have to be established in course of trial, this Court for the time being would accept the offer of Mr. Sinha that the petitioner will deposit a sum of Rs.12 lacs, subject to the result of the trial, for his being granted privilege of anticipatory bail.

That being so, if the petitioner, Janak Sah, surrenders before the court below within a period of three months and produces a receipt showing payment of Rs.12 lacs by way of Bank draft in the name of the Collector of West Champaran, Bettiah 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, West Champaran at Bettiahin Bettiah Town P.S.Case No. 290/2014, subject to the following conditions:

- (i) Such amount of Rs.12 lacs deposited by the petitioner in the name of the Collector of West Champaran shall, however, remain subject to the result of final out

come 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 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.

surendra/-

(Mihir Kumar Jha, J)

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