

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35499 of 2014

Arising Out of PS.Case No. -457 Year- 2012 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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1. Chitragupta Kumar Son of Late Arjun Ram Resident of village-
Kharwanian, P.S.- Nawanagar, District- Buxar.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sourendra Pandey

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

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

5 16-07-2015

Heard both sides.

The petitioner during the relevant time was posted as Block Development Officer, Raxaul. He is facing prosecution under Section 420 of the IPC. Initially a complaint was lodged which was treated as an First Information Report and after investigation final report was submitted showing the deficiency of evidence. On protest the cognizance was taken.

The allegation is that the informant was entitled to payment of certain amounts as flood relief which was misappropriated by the petitioner and other revenue staff.

Learned counsel submits that cheque favouring the petitioner was drawn but since he did not receive the same was



subsequently deposited in the Treasury. Subsequently an enquiry was conducted to the allegation which was general in nature in which no illegality has been found. Taking into account the aforesaid fact another co accused namely Geeta Devi has since been privileged with anticipatory bail on 28.4.2015, vide Cr. Misc. no. 16065 of 2015.

In the facts and circumstances of the case, this Court is inclined to extend the privilege of anticipatory bail to the petitioner. Let the petitioner, named above, in the event of his arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Raxaul at Motihari, in connection with Complaint case no. 457 of 2012, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioner shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the

trial Court shall have liberty to cancel the bail bonds of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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