

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.9121 of 2016**

Arising Out of PS.Case No. -540 Year- 2015 Thana -LAHERIASARAI District- DARBHANGA

Saroj Kumar Mishra son of Sri Balkeshwar Mishra, resident of Village-  
Laxmi Sagar, P.S. Sadar, District- Darbhanga.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

**Appearance :**

For the Petitioner : Mr. Shashank Shekhar, Advocate

For the Opposite Party : Mr. Rajiv Nayan, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

4      16-05-2016      Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner is apprehending his arrest in connection  
with **Laheriasarai P.S. Case No. 540 of 2015** pending in the  
Court of **CJM, Darbhanga at Laheriasarai**, for the offences  
instituted under Sections 406, 409, 467, 468 and 471 of the Indian  
Penal Code.

As per FIR, it is alleged that Sagar Kumar Rai who was  
posted as Nazir at District Welfare Office, Darbhanga under  
conspiracy with petitioner and other co-accused persons after  
making false and fabricated signature transferred the government  
money in the bank account of petitioner and other co-accused and  
misappropriated altogether Rs.2,5,62,000/- (rupees two crores five  
lacks and sixty two thousand rupees).

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. Petitioner has falsely been made accused due to mistake of fact. Petitioner has denied the allegations made in the FIR. The main allegation has been levelled against one Sagar Kumar Rai @ Sagar Kumar Roy and he has been granted anticipatory bail by this Court.

On behalf of the State, it has been submitted that the petitioner is named in the FIR and there has been a misappropriation of approximately more than rupees two crores. Some of the cheques were deposited in the account of the petitioner and subsequently same was withdrawn from the account of the petitioner.

Considering the aforesaid facts and circumstances of the case, I am not inclined to release the above named petitioner on anticipatory bail, the same is rejected.

Anyhow, if the petitioner surrenders in the court below within a period of four weeks, the same shall be considered on its own merit without being prejudiced by this order taking into account the other co-accused having been granted anticipatory bail by this Court.

**(Sudhir Singh, J)**

B.Kr./-

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