

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22133 of 2016

Arising Out of PS.Case No. -82 Year- 2011 Thana -JAMHORA District- AURANGABAD

1. Surendra Mishra son of Mahesh Mishra resident of Village- Rudrapur, Police Station- Andhra Thadhi, District- Madhubani, at present residing at Street No. 136/K, Hospital Road, Police Station- Uttarpara, District- Hugli (West Bengal).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.23048 of 2016

Arising Out of PS.Case No. -82 Year- 2011 Thana -JAMHORA District- AURANGABAD

1. Kumkum Mishra wife of Surendra Mishra, Resident of village- Rudrapur, P.s.- Andhra Thadi, District- Madhubani, at present residing at Street No. 136/K, Hospital Road, Police Station- Uttarpara, District- Hoguli, (West Bengal)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :
(In Cr.Misc. No.22133 of 2016)
For the Petitioner/s : Mr. Bimal Kumar
For the Opposite Party/s : Mr. Harendra Prasad (App)
(In Cr.Misc. No.23048 of 2016)
For the Petitioner/s : Mr. Bimal Kumar
For the Opposite Party/s : Mr. Harendra Pd(App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL ORDER

5 16-08-2016 Both the petitions have been heard together and are being disposed of by a common order, since both the cases arise out of same Jamhore P.S. Case No. 82 of 2011.

Heard learned counsel for the petitioners and learned

Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Jamhore Police Station Case No. 82 of 2011, disclosing offences under Sections 406, 420 and 120(B) of the Indian Penal Code.

The petitioners are the husband and wife. It is alleged that acting as Directors of OCPL Company and Bibhuti Insurance Marketing Company, they had collected certain amount from the informant, in the year 2008, and they did not deposit the amount in proper account and they thus, misappropriated the money, for their personal gain.

Learned Counsel appearing on behalf of the petitioners has submitted that false allegation has been made against Kumkum Mishra, the petitioner of Cr. Misc. No. 23048 of 2016 that she is Director of the Company, which she is not and she has been implicated merely because she is the wife of the petitioner no.1, who is admittedly Director of OCPL. He has further submitted that several cases have been lodged by other persons against the petitioners, making similar allegations. This Court has granted privilege of anticipatory bail, in most of the cases. Learned counsel for the petitioners has also submitted that there is no chance that the petitioners shall flee from investigation

or trial, if they granted privilege of anticipatory bail.

Considering the submission as above, this application is allowed.

Let the petitioners, Surendra Mishra and Kumkum Mishra, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Jamhore Police Station Case No. 82 of 2011, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

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