IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48756 of 2015

Arising Out of PS.Case No. -308 Year- 2008 Thana -MADHUBANI TOWN District- MADHUBANI

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1. Brahmadeo Mahto @ B.D. Mahto son of Yogendra Mahto, R/o Mohalla- Pragati Nagar, Ward No. 3, P.S.- Madhubani Town, District- Madhubani, the then Cashier, Canara Bank, Narial Bazar Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Subhash Kumar Jha
For the Opposite Party/s : Mr. M.Rab(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 04-02-2016 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in connection with Madhubani P.S.Case No. 308 of 2008 instituted under Sections 409, 420, 467, 468, 471/34 of the Indian Penal Code.

The prosecution story, in brief, is that this case has been registered on the basis of written report of informant, Incharge District Executive Officer, Schedule Caste Co-operative Corporation Limited, Madhubani vide his letter No. 178, dated 25.6.2008 in which it has been alleged that the said Corporation has a saving Bank account bearing no. 1871in the Canara Bank,, Nariyal Bazar, Madhubani which was being operated by the joint signature of Collector, Madhubani, D.D.C., Madhubani and

District Executive Officer of the Corporation, Madhubani and the same was maintained by the District office of the Corporation. It is further alleged that the then District Executive Officer Sri Sunil Kumar obtained a volume of cheque of the Bank bearing no. 712976 to 713000 on demand made by him through one Binod Kumar Mandal, Sweeper of the Corporation on 8.6.2014 but the register was not maintained to this effect. It is further alleged that the then Incharge District Executive Officer of the Corporation reported about misappropriation of Rs. 1,40,000/- from the said account. Subsequently the Accounts Officer of the head office, Patna and Executive Officer, Darbhanga jointly enquired into the matter and found misappropriation of the aforesaid amount. It was detected in the said enquiry that Rs. 1,40,000/- was withdrawn through five cheques. It is further detected that the payment was made under single signature on the cheque where upon the Bank has reported that the Corporation under the signature of Shivnath Paswan it was directed that the amount of up to Rs. 50,000/- could be withdrawn on the signature of executive officer and during enquiry the said letter was also found forged.

It is submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. It is further submitted that the petitioner has been made accused due to mistake of fact.

The petitioner is not named in the FIR. His name has come in course of investigation. The petitioner is a government employee. Learned counsel for the petitioner has further submitted that he is ready to deposit an amount of Rs. 15,000/- (fifteen thousand) in the court below, which shall be subject to final disposal of the case.

On behalf of the State, it is submitted that the name of the petitioner has come in course of investigation.

Considering the above facts and circumstances of the case, it is directed that the petitioner shall deposit an amount of Rs. 15,000/- (fifteen thousand) in the court below, which shall be subject to final disposal of the case.

Let the above named petitioner, in the event of his arrest or surrender in the court below within a period of six weeks from today, 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 learned C.J.M., Madhubani in connection with Madhubani Town P.S.Case no. 308 of 2008 (G.R.no.1844 of 2008), subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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