

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37094 of 2016

Arising Out of PS.Case No. -276 Year- 2016 Thana -SITAMARHI District- SITAMARHI

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Anuj Kumar S/o late Nagendra Prasad Mishra resident of village - Bangao Bazar, P.S. & P.O. Bajpatti, District - Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh

For the Opposite Party/s : Mr. Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL ORDER

2 19-09-2016

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Sitamarhi Police Station Case No. 276 of 2016, G.R. No.
1315 of 2016, disclosing offences under Sections 408, 420 and
463 of the Indian Penal Code.

Petitioner at the relevant point of time was in
additional charge of Parcel branch of Sitamarhi Bazar Sub-Post
Office during the period from 13.04.2010 to 28.03.2013. It is
alleged against him that he had misappropriated a sum of Rs.
9,38,407/-, which he had received on delivery of VPPs. He is said
to have deposited a sum of Rs. 6, 90,000/- and failed to deposit
rest of the amount to the tune of Rs. 2, 48, 407/-.



Learned counsel appearing on behalf of the petitioner has submitted that for the occurrence alleged to have taken place between the periods from 13.04.2010 to 28.03.2013, the present F.I.R. came to be lodged on 07.05.2016, on the basis of written report dated 06.05.2016. He has submitted the petitioner has been placed under suspension but till date, no departmental proceeding has been initiated against him. It has also been submitted that considering the nature of accusation against the petitioner, there is no chance that he will flee in course of investigation, if granted the privilege of anticipatory bail.

Learned counsel for the State has opposed the prayer for bail and has submitted that considering the fact that the petitioner has misappropriated the public money, he should not be granted the privilege of anticipatory bail.

However, considering the facts and circumstances and submission so advanced on behalf of the petitioner, as noted above, particularly that no proceeding has been initiated against him, on the charge of misappropriation of money, this application is allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, 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 Chief Judicial Magistrate, Sitamarhi, in connection with Sitamarhi Police Station Case No. 276 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

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

(Chakradhari Sharan Singh, J.)

Amit/-

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