

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4111 of 2016

Arising Out of PS.Case No. -409 Year- 2015 Thana -BAGHA District-
WESTCHAMPARAN(BETTIAH)

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Kameshwar Prasad S/o Vishwanath Prasad, Resident of Village -
Domwaliya, P.S.- Bagaha, District- West Champaran.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner : Mr. Binod Kumar Yadav, Advocate.

For the Opposite Party : Mr. Bharat Bhushan (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 21-04-2016 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection
with Bagaha (Pathkauli) P.S. Case No. 409 of 2015 registered for
the offences punishable under Sections 467,468,406,420 of the
Indian Penal Code.

The learned counsel for the petitioner submits that the
role of the petitioner in the alleged misappropriation of money
which was to be placed by way of term deposit with the HDFC
Bank pledged on behalf of the Exercise Department which had
issued licence in favour of one Sahdeo Prasad, was not deposited
with the HDFC Bank by the petitioner. On the contrary the said
term deposit receipt was given over to one Nand Kishore Prasad,



the brother of the present petitioner who is in partnership with Sahdeo Prasad, the original licensee. Learned counsel for the petitioner further submits that admittedly the petitioner has not withdrawn the term deposit nor he could have done so as the same was not in his name. The only offence which could have been made out against the petitioner is that he has illegally given the said term deposit to his brother, who is said to have encashed the same. Learned counsel for the petitioner further submits that the petitioner had a limited role to pay and is not the beneficiary of any money. At best it can be said that he has diverted the fixed deposit receipt and handed it over to his brother, who was the partner of one Sahdeo Prasad. So far as the Exercise Department is concerned, the licence issued in favour of Sahdeo Prasad was cancelled and now if at all any liability can be fixed the same would be saddled only licence holder namely, Sahdeo Prasad and the brother of the petitioner namely, Nand Kishore Prasad.

Learned counsel appearing on behalf of the State, after perusal of the case diary submits that there is material against the petitioner to show that he has handed over the term deposit to his brother and the same was placed before HDFC Bank.

Considering the entire facts and circumstances and that the petitioner has not been beneficiary in any manner of the

money so encashed and there is no further cogent material in the case diary to show that the petitioner had misappropriated government money to the tune of Rs. 6,23,000/-, let the petitioner above named, in the event of his arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Bagaha, West Champaran in connection with Bagaha (Pathkauli) P.S. Case No. 409 of 2015 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J)

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