

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31336 of 2016

Arising Out of PS.Case No. -235 Year- 2016 Thana -BETTIAH TOWN District-
WESTCHAMPARAN(BETTIAH)

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Kundan Kumar, son of Siyaram Prasad, resident of Village Chhota Bariyarpur Motihari, Police Station- Chhatauni, District- Motihari (East Champaran) at present address- Data Entry Operator, office of District Transport, West Champaran, Bettiah.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Birendra Kumar Singh, Advocate
For the Opposite Party : Mr. Sri Ram Anurag Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 14-09-2016 Heard learned counsel for the petitioner and the learned counsel representing the State.

The petitioner seeks bail in connection with Bettiah Nagar P.S Case No. 235 of 2016 registered for the offences punishable under Sections 409, 420/34 of the Indian Penal Code.

The petitioner being the Data Entry Operator and in-charge of tax and miscellaneous works, misappropriated Government revenue to the tune of Rs. 7,49,305/- (seven lakhs forty-nine thousand and three hundred five) and co-accused Laxman Prasad being the Programmer, failed to inform about irregularity committed by the petitioner in collusion and conspiracy with the petitioner.



Submission is of false implication and that the petitioner is in custody since 12.05.2016, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence. The petitioner has got no criminal antecedent and he has been made victim of the circumstance. Confessional statement of the petitioner made before the police has got no evidentiary value in the eye of law and further the petitioner be directed to pay the amount of Rs. 30,000/- in the court below, which shall be subject to the final disposal of the case, as co-accused Lakshman Prasad was also directed to pay Rs. 30,000/-.

The learned A.P.P. opposes the prayer of bail by submitting that the petitioner is the main accused.

In the facts and circumstances stated above, it is directed that the petitioner shall deposit the amount of Rs. 30,000/- in the court below, which shall be subject to the final disposal of the case, and if the aforesaid amount is deposited by the petitioner, he shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran arising out of Bettiah Nagar P.S. Case No. 235 of 2016, subject to the conditions that one of

the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

Rajiv/-

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