

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23950 of 2016

Arising Out of PS.Case No. -442 Year- 2014 Thana -CIVIL LINE District- GAYA

1. Ashok Kumar Srivastava, Son of Bishunath Prasad Srivastava, Resident of Village- Kendu Bazar, Police Station- Kanduaadih, District- Dhanbad and presently residing at resident of House No.- 79, Road. 21, Krishna Nagar, P. S.- Buddha Colony, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.22757 of 2016

Arising Out of PS.Case No. -442 Year- 2014 Thana -CIVIL LINE District- GAYA

1. Dr. Jagmohan Jha son of Late Shaktinath Jha, Resident of Mohalla- Krishnapur, P.S.- Ahiyapur, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.23950 of 2016)

For the Petitioner/s : Mr. Sunil Kumar Mishra

For the Opposite Party/s : Mr. P.K.Panday (App)

(In Cr.Misc. No.22757 of 2016)

For the Petitioner/s : Mr. Sunil Kumar Mishra

For the Opposite Party/s : Mr. P.K Pandey (App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 14-07-2016 Heard learned counsel appearing on behalf of the petitioners and learned Addl. Public Prosecutor, appearing on behalf of the State.

This application for grant of anticipatory bail arises

out of Civil Lines Police Station (Gaya) P.S. Case No. 442 of 2014, disclosing offences under Sections 409 and 420 of the Indian Penal Code.

The allegation is of certain discrepancies in the entries in the provident fund account of retired employees, who were working in the office of District Sub Divisional Officer, Animal Husbandry Department, Gaya. At the relevant point of time the petitioner Ashok Kumar Srivastava was posted as clerk whereas petitioner Dr. Jagmohan Jha was posted as Sub Divisional Officer, Animal Husbandry Department, Gaya.

Learned counsel appearing on behalf of the petitioners has submitted that no offence under Section 409 of the Indian Penal Code is made out against them as there is no allegation of entrustment of any property to them, or misappropriation of any amount for their personal gain. It has also been submitted that since petitioners are public servants, there is no likelihood of tampering with the evidence in course of investigation or trial.

Considering the above, this application is allowed.

Let the petitioners, above-named, in the event of their arrest/surrender before the court below within six weeks from today, 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 the learned C.J.M., Gaya, in Civil Lines Police Station(Gaya) P.S. Case No. 442 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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 consecutives occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

siddharth/-

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