

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56355 of 2015

Arising Out of PS.Case No. -186 Year- 2013 Thana -RAMGARH District- BHABHUA (KAIMUR)

=====

Gauri Shankar Vidayarthi, Son of Late Nand Kishore Prasad, resident of
Village Itimaha, P.O. Karma, P.S.- Nasariganj, District- Rohtas (Sasaram).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Raj Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Kumar Virendra Narayan, APP

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 11-02-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Ramgarh
P.S. Case No. 186 of 2013 registered for the offences punishable
under Sections 406, 409 and 420 of the Indian Penal Code.

Allegedly, the petitioner being the then Nazir of
Block Office, Ramgarh, defalcated Rs. 8,31,754.94/-.

Submission is of false implication and that without
any proper accounting the case has been lodged, the petitioner has
not been provided sufficient opportunity to explain the charge,
during investigation no cogent and legal material has been
collected. Charge-sheet has been submitted and there is no chance
of tampering with the prosecution evidence and, as such, the
petitioner who is suffering in custody since 28.10.2015, deserves

sympathetic consideration as co-accused Kamlesh Prasad has already been allowed pre-arrest bail vide order dated 07.12.2015 passed in Criminal Miscellaneous No. 42935 of 2015.

The learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering the detention of the petitioner and further that charge-sheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, now the petitioner, above named, is also directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned Chief Judicial Magistrate, Kaimur, Bhabua arising out of Ramgarh P.S. Case No. 186 of 2013, 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.

Ajaypd./-

U		T	
---	--	---	--

(Jitendra Mohan Sharma, J.)