

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48587 of 2016

Arising Out of PS.Case No. -161 Year- 2016 Thana -SINGHESHWARASHTHAN District-
MADHEPURA

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1. Ajay Kumar Yadav, son of Sitaram Yadav, Resident of Village-
Gauripur, Police Station- Singheshwar, District- Madhepura.
2. Hemant Kumar, son of Late Rampukar Yadav, Resident of Village-
Jalaiya, Police Station- Saur Bazar, (Patarghat-O.P.), District- Saharsa, at
present resident of Gauripur, Police Station- Singheshwar, District-
Madhepura.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Durgesh Kumar

For the Opposite Party/s : Mr. Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 01-12-2016 Heard Sri Durgesh Kumar, learned counsel for the
petitioners and Mr. Md. Fahimuddin, learned Addl. Public
Prosecutor.

Two petitioners, who are PACS President and
PACS Manager respectively, have prayed for grant of anticipatory
bail in Singeshwar P.S. Case No.161 of 2016, corresponding to
G.R. Case No.1246 of 2016, registered for the offence under
Sections 409 and 420 of the Indian Penal Code.

By way of referring to the F.I.R. learned counsel for
the petitioners submits that even in the F.I.R. the informant has
raised doubt regarding misappropriation of fund, whereas fact



remains that due to some machinery problem, the remaining due amount of PACS could not be deposited within time. However, subsequently, the entire amount i.e. Rs.1,40,000.00 has already been deposited by the petitioners, which fact has been incorporated in Annexure-2, page-27 of the present petition. He further submits that the fact regarding deposit of the amount was also noticed by the court below. He further submits that the petitioner no.1 is presently under the treatment in Patna Medical College and Hospital, Patna.

Learned Addl. Public Prosecutor has opposed the prayer for anticipatory bail of the petitioners.

However, considering the facts and circumstances, let both the aforesaid petitioners, namely, (i) Ajay Kumar Yadav and (ii) Hemant Kumar , in the event of their arrest or surrender 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 learned Chief Judicial Magistrate, Madhepura in connection with Singeshwar P.S. Case No.161/2016, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

It appears from the impugned order that the investigation is still continuing. It goes without saying that if



during investigation sufficient material is collected against the petitioners and they are forwarded as accused in the chargesheet, in that event their bail bond executed in the present case shall stand automatically cancelled and the petitioners will have to appear before the court below and make a prayer for regular bail

(Rakesh Kumar, J)

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