

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58104 of 2015

Arising Out of PS.Case No. -232 Year- 15 Thana -DHAMDAHA District- PURNIA

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Sadanand Yadav, son of Rama Kant Yadav, resident of Village- Nirpur,
Police Station- Dhamdha, District- Purnia.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikram Singh

For the Opposite Party/s : Mr. Anish Chandra(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-01-2016 Heard learned counsel for the petitioner and the
learned A. P.P. for the State.

The petitioner apprehends his arrest in connection
with Dhamdaha P. S. Case No. 232 of 2015 registered for offences
punishable under Sections 406, 420, 467, 468 and 471 of the
Indian Penal Code.

The prosecution case, in brief, is that some of the
members of one Bishubaba group lodged First Information Report
against the petitioner, who is the husband of the Secretary of the
said group, Parwati Devi, alleging therein that a grant of Rs.
1,25,000/- was received in the year 2012, which was to be
deposited in the Central Bank of India, Dhamdaha branch, where
the account of the said group existed. It has further been alleged



that the petitioner withdrew a sum of Rs. 35,000/- from the said amount for giving it to the Branch Manager of the said Bank and rest amount of Rs. 65,000/- was distributed amongst the members of the said group. Further statement in the First Information Report is that a sum of Rs. 1200/- at the rate of Rs. 100/- per month was taken from all the members, but the said amounts were not deposited with the Bank. Thereafter, the Bank issued notice and did not give “No Dues Certificate”. The members, who had lodged the First Information Report, stated that the petitioner had defalcated the aforesaid money for his own gain.

Learned counsel for the petitioner submits that there is a compromise between the parties and all the dues of the Bank has been satisfied and Bank has given “No Dues Certificate”, which finds place at Annexure-2 to this application. It has further been submitted that the petitioner has no criminal antecedent, as is evident from paragraph 3 of this application. Learned counsel for the petitioner further submits that no specific allegation has been levelled against the petitioner as to what amount was received from the Bank, what amount was deposited in the Bank and what was the dues of the Bank and why “No Dues Certificate” was given.

Learned A.P.P. does not controvert the said

submission.

Be that as it may, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Purnia in connection with Dhamdaha P.S. Case No. 232 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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