

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.18433 of 2017**

Arising Out of PS.Case No. -37 Year- 2014 Thana -PHULWARIA District- BEGUSARAI

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Sanjay Paswan, S/o Shubhuk Paswan, R/o Birpur, P.S.- Birpur Dist.- Begusarai.

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Shubhesh Pandey, Advocate

For the Opposite Party : Mr. Nirmal Kumar Sinha (APP)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA**  
**ORAL ORDER**

3      23-06-2017                      Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Phulwaria P.S Case No. 37 of 2014 registered for the offences punishable under Sections 392 of the Indian Penal code but subsequently Section 409, 420, 182, 193 of the Indian Penal Code was also added.

The petitioner is the informant of this case, as per his allegation he took Rs. 1,50,000/- from the Barauni Branch of S.K.S. Microfinance Ltd. to distribute the same to centers and in the way he made collection and as the members reached after delay, so distribution was not made and thereafter unknown two miscreants at the point of *katta* snatched the bag containing the



cash. During investigation, it transpired that the petitioner with an intention to grab the amount has lodged this false case and he misappropriated the same, on the basis of material collected during investigation he has been made accused himself.

Submission is of false implication and that several person have been examined under Section 164 of Cr.P.C. and all have stated that amount of Rs. 1,98,000/- and D-light were also looted from the petitioner but without any material on the basis of surmises and conjecture the supervising authority i.e. S.D.P.O. made the petitioner (informant)/accused in this case vide his supervision note in para 75 of the case diary and thereafter the petitioner was arrested and he is suffering in custody since 27.02.2017, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner deserves sympathetic consideration.

Learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering that there is no chance of tampering with the prosecution evidence and as such, petitioner is directed to 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 Sri Raghubir Prasad, J.M. 1<sup>st</sup> Class, Begusarai, in connection



with Phulwaria P.S. Case No. 37 of 2014, subject to the conditions that one of the bailors must be a 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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