

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14283 of 2017

Arising Out of PS.Case No. -183 Year- 2013 Thana -PAROO District- MUZAFFARPUR

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Baleshwar Prasad Lal, Son of Late Bahadur Lal, resident of village + P.S.
Ahiyapur, District - Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Navedita Nirvikar, Advocate.
Mr. Manoj Kumar, Advocate.
Mr. Surya Nilambari, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 11-05-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Paru P.S. Case
No. 183 of 2013 instituted for the offence under Sections 406 and
409 of the Indian Penal Code.

As per prosecution case, the petitioner was posted as
Nazir in Paru Block. He has been transferred from the office of the
B.D.O. Paru to the District Land Acquisition Office, Muzaffarpur,
vide order of the District Magistrate, Muzaffarpur, dated
30.6.2013. He had given his joining in the District Land
Acquisition Office on 15.7.2013 without getting relieved from the
office of the B.D.O. and handing over charge to the new
incumbent. It is also alleged that despite several directions, the



petitioner did not yet handed over the charge of Nazir in the office of B.D.O. Paru. The petitioner seems to have misappropriated funds and committed irregularity in the cash book. On such written report, the case has been registered against the petitioner for the offence under Sections 406 and 409 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that he has been Departmentally Proceeded and in the Departmental Proceeding in paragraph 13, the typed copy of which has been annexed as Annexure-8, it has been clearly held that no financial loss to the government has been made by not handing over charge by the petitioner. It further appears from Annexure-8 that his suspension has been revoked after completion of Departmental Proceeding with giving him some punishment. It has further been submitted that petitioner has approached the Officer concerned to take over charge several times as mentioned in paragraphs-16 and 17 of the bail petition. As mentioned in paragraphs 10 and 11, he is always ready to hand over the charge.

In such circumstances, from the written report itself, mere suspicion has been raised against the petitioner on account of not handing over charge that financial defalcation might have taken place, but after completion of departmental proceeding, it is



found that no financial loss has been made to the Government.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Paru P.S. Case No. 183 of 2013, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Shri A.K. Singh, Judicial Magistrate, 1st Class, Muzaffarpur, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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