

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37989 of 2017

Arising Out of PS.Case No. -325 Year- 2016 Thana -GHOSI District- JEHANABAD

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1. Dr. Md. Eqbal Haidar @ Md. Eqbal Haider Son of Md. Azimuddin Haider, Resident of Mohalla- Dujra, Police Station- Gandhi Maidan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Sri Anuj Kumar Srivastava

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 25-08-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Ghosi (Okari O.P.) P.S.

Case No. 325 of 2016 instituted for the offence under Sections-409, 420/34 of the Indian Penal Code.

It is alleged in the written report that co-accused, Jagdish Prasad, the then retired employee of Primary Health Centre, Okari has withdrawn Rs. 1,13,700/- for the period of strike from January, 2009 and 10th August to 10th October, 2009 through bill No. 120/2015-16 twice and also withdrawn his arrears of Sixth Pay Commission from 01-04-2007 to 31-12-2008 amounting to Rs. 1,46,205/- through Bill No. 122/15-16. It is alleged that the aforesaid amount was withdrawn earlier by Jagdish Prasad in connivance with the petitioner causing financial loss to the Government amounting to Rs. 2,59,905/-

Counsel for the petitioner has submitted that the petitioner was at the relevant time In-charge, Medical Officer. He is not



beneficiary of the aforesaid amount. He has mentioned about para-11 of case diary wherein it has been stated that necessary steps have been taken by the then Medical Officer, Jehanabad for recovery of the excess amount, withdrawn by co-accused Jagdish Prasad.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Ghosi (Okari O.P.) P.S. Case No. 325 of 2016 to the satisfaction of learned Chief Judicial Magistrate, Jehanabad subject to condition as laid down u/S 438(2) of the 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)

A.K.V./-

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