

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54714 of 2016

Arising Out of PS.Case No. -186 Year- 1993 Thana -KHARAGPUR District- MUNGER

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Mahesh Prasad, son of Rameshwar Prasad, resident of mohalla Dilawarpur,
P.S. Kotwali, District Munger

.... Petitioner

Versus

1. The State of Bihar
2. Administrative Officer, Munger, Jamui Central Co-Operative Bank Ltd.,
Munger

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha with
Mr. Kamal Kishore Jha, Advocates

For the Opposite Party/s : Mr. Gopesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 08-02-2017

Heard learned counsel for the petitioner.

The petitioner is apprehending his arrest in connection with Kharagpur P.S.Case No. 186 of 1993 registered for the offences punishable under Sections 409, 34 and 120B of the Indian Penal Code.

It has been submitted on behalf of the petitioner that for the whole allegation a departmental proceeding has been initiated and the Joint Registrar, Co-operative Committee, Bhagalpur vide order dated 5.10.1994 has exonerated the petitioner in the defalcation case and, as such, the whole prosecution is false against him. It has further been submitted that earlier petitioner has come before this Court for anticipatory bail but due to some wrong submission the anticipatory bail was not granted to the petitioner. It has also been submitted that warrant of arrest was not executed against him and he has been declared absconder.



Heard learned APP also.

No doubt, from the submission of learned counsel for the petitioner it appears that he has been exonerated in the departmental case but in the criminal case he has been declared absconder and this is a case of the year 1993.

In view of the facts stated above, I am not inclined to grant anticipatory bail to the petitioner.

However, the petitioner may surrender in the court below and pray for regular bail and the court below will examine this aspect of the matter that the petitioner is aged 70 years old and secondly he has been exonerated in the departmental enquiry by the Joint Registrar, Co-operative and dispose it of preferably on the same day the bail application is filed, without being prejudiced by this order.

With the above observations, this application is disposed of.

(Vinod Kumar Sinha, J)

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