

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34579 of 2017

Arising Out of PS.Case No. -242 Year- 2016 Thana -NAUBATPUR District- PATNA

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Retesh Chandra Gupta, son of Rajendra Prasad, resident of Bichali Bazar,
P.S.-Naubatpur, Distirct-Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh -5, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 31-08-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in Naubatpur P.S.

Case No.242 of 2016 instituted for the offence under Section(s)
406 and 420 Indian Penal Code pending in the Court of the
Additional Chief Judicial Magistrate, II, Patna.

It is alleged in the written report lodged by the
Executive Officer, Nagar Panchayat, that the petitioner being
Cashier of Nagar Panchayat, withdrew Rs.8,45,633/- during
financial year 2014-15 and on 30.05.2015 deposited
Rs.4,35,000/- in the account of the Nagar Panchayat. He has not
deposited the remaining amount Rs.4,10,633/-. The petitioner
was directed to deposit the amount but he did not deposit.

Counsel for the petitioner has submitted that the



aforesaid amount was spent by this petitioner in the election. In support of such submission, he has filed several vouchers annexed as Annexure-4 series. This Court does not find any counter signature of any authority on these vouchers. It simply bears the signature of the petitioner.

First Information Report has been lodged by the Executive Officer making allegation that he has illegally misappropriated Rs.4,10,633/-, which has been withdrawn by him during Panchayat Election.

In such circumstances, this Court does not find it a fit case for grant of anticipatory bail.

Prayer of the petitioner for grant of anticipatory bail is rejected.

Petitioner may surrender before the Court below and seek regular bail, which shall be considered and disposed off in accordance with law by the Court below preferably on the same day, if possible, without being prejudiced by this order.

(Sanjay Priya, J)

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