

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51911 of 2017

Arising Out of PS.Case No. -10 Year- 2017 Thana -GOPALGANJ TOWN District- GOPALGANJ

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1. Dr. Shyam Nandan Prasad s/o Deonandan Mathto, R/o Village- Daya Chak, Ram Jiwan Niwas, P.S.- Barh, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Jay Prakash University, Chhapra, through its Resistrar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Mohammad Shabbir Alam

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 05-12-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Gopalganj Town P.S. Case No. 10 of 2017 instituted for the offence under Sections-406, 409 of the Indian Penal Code.

Counsel for petitioner has submitted that he is ready to deposit an amount of Rs. 2,20,000/- which is alleged to have been withdrawn by cheque No. 074886 dated 16-05-2012 by bearer namely Sunil Ram, in the account of the college subject to final decision of the case.

In the FIR, it is alleged that during audit of the college, it was found that cheque of Rs. 2,20,000/- was issued on 16-05-2012 under the signature of this petitioner along with Barsar of the college. Counsel for the informant has submitted that there is no



such transaction in the accounts department of the college and the identity of payee Sunil Ram could not be established. There is also no explanation why such big amount has been withdrawn in cash whereas such big amount must be paid by account payee cheque.

It has been submitted on behalf of the petitioner that petitioner has been transferred from the college in the year, 2013. He has now retired from service. He is ready to deposit the aforesaid amount of Rs. 2,20,000/- in the account of the college subject to final decision of the case.

In such circumstances, the petitioner named above is directed to surrender in the court below within a period of six weeks from the date of receipt/production of the order along with valid receipt showing deposit of Rs. 2,20,000/- in the account of college and in that event, the court below will enlarge the petitioner on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Gopalganj Town P.S. Case No. 10 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Gopalganj 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.

It is made clear that in the event, he does not surrender along with valid receipt showing aforesaid deposit in the account of the college, the court below will pass appropriate order in accordance with law without being prejudiced by this order.

The payment made by the petitioner will be subject to final decision in the case.

(Sanjay Priya, J)

A.K.V./-

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