

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23225 of 2017

Arising Out of PS.Case No. -137 Year- 2013 Thana -THAKURGANJ District- KISANGANJ

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1. Shambhu Prasad S/o Shankar Prasad resident of Village and P.S. -
Galgaliya, District - Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 04-07-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Section 409/34 of the Indian Penal Code in
connection with Thakurganj (Galgaliya) P.S. Case No. 137/2013.

The petitioner is not named in the F.I.R. During course
of investigation his name transpired.

It has been submitted on behalf of the petitioner that the
case is of defalcation of Government money of Rs. 13,85,000/-
Further, it has been submitted that it has come during course of
investigation that the petitioner was given few cheques for
withdrawal of the amount and he along with other co-accused after
withdrawal delivered the amount to the F.I.R. named accused
persons who had issued the cheques. It has further been submitted



that F.I.R. named accused persons have been granted bail by the learned Chief Judicial Magistrate, Kishanganj and co-accused Md. Mursalin & ors. have also been granted anticipatory bail vide order dated 06.04.2017 passed in Cr. Misc. No. 15068/2017 by a co-ordinate Bench of this Court vide Annexure-2 and further the petitioner has remained in custody for more than three months.

Heard learned Additional Public Prosecutor also.

Having heard both sides, in view of the facts aforesaid, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Kishanganj in connection with Thakurganj (Galgaliya) P.S. Case No. 137/2013, subject to the conditions that one of the bailors must be local bailor and another having sufficient immovable property within the jurisdiction of the court below with further condition that he will co-operate in trial and make himself available before the court on each and every day and on failure to appear on two consecutive dates without any appropriate reason will be liable for cancellation of his bail.

(Vinod Kumar Sinha, J.)

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