

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16811 of 2017

Arising Out of PS.Case No. -100 Year- 2016 Thana -VIJAYPUR District- GOPALGANJ

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1. Shakuntala Devi, Wife of Ram Naresh Tiwari, Ex-Chairman, Bharpurva PACS.
 2. Ghanshyam Tiwari, Son of Ram Naresh Tiwari, Ex-Manager Bharpurva PACS. Both resident of Village- Udaypura, P.S. Vijaipur, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Jha

For the Opposite Party/s : Mr. Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 18-04-2017 Heard the parties.

The petitioners are apprehending their arrest in connection with Vijaipur P.S.Case No.100 of 2016 registered for offences punishable under Sections 419, 420, 409 and 34 of the Indian Penal Code and Section 45(A)(B) of Bihar Co-operative Societies Act, 1935.

Allegation against the petitioners is that he has not handed over charge of the records and second allegation is that there is suspicion of embezzlement of Rs.01 lac. However, it is submitted on behalf of the petitioners that they are ready to hand over the charge and they have also given details of the same to the Auditor. It has also been submitted that the present Chairman is not ready to take charge though the petitioners are ready to hand over the charge.



It is further submitted that so far embezzlement of money is concerned, it is only suspicion and nothing concrete material has come against the petitioners.

Heard learned A.P.P. also.

Having heard both sides and in view of discussions as made above, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of Addl. Chief Judicial Magistrate-IV, Gopalganj in connection with Vijaypur P.S.Case No.100 of 2016, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the investigation of the case and approach the informant for handing over the charge and if she is not ready, then they will hand over the charge to the District Co-operative Officer.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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