

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37214 of 2017

Arising Out of PS.Case No. -154 Year- 2017 Thana -MANER District- PATNA

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1. Umashankar Kanth, S/o Late Laxmi Narayan Kanth, Resident of Mo-
Netaji Subhash Chowk Kurji Balupar, P.O.- Sadakat Asharam, P.S.- Digha,
District- Patna (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sinha

For the Opposite Party/s : Smt. Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 19-08-2017 The petitioner is apprehending his arrest in connection

with Maner P.S. Case No. 154 of 2017, registered for offences

punishable under Sections 420 and 406 of the Indian Penal Code.

Prosecution case is that petitioner at the relevant time
was revenue clerk and was given Rs. 65 lakh to distribute the same
amongst the flood victims and for that the petitioner only
deposited the voucher of an amount of Rs. 56, 56, 500/- (Fifty Six
Lakhs Fifty Six Thousand and Five Hundred) and for the
remaining amount i.e. Rs. 8, 43, 500/- no voucher was submitted
in spite of notices to the petitioner.

It has been submitted on behalf of the petitioner that he
has filed a case for payment of retirement dues and at that time, it
was made clear that he has deposited the whole accounting to the
concerned authorities but in spite of that present case has been
lodged by circle officer. Moreover, the petitoienr is ready to pay
the remaining amount and the same may be deducted from Rs. 19



lakh of the petitioner which is due with the Government as retiral dues.

Heard learned A.P.P. also.

Having heard both sides, considering the facts and circumstances of the case and as the petitioner has fairly submitted that he is ready to deposit the remaining amount of Rs. 8, 43, 500/- and he is willing that the said amount may be deducted from his retiral dues, as such, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on provisional bail for a period of six months on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Danapur, Patna, in connection with Maner P.S. Case No. 154 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C, this is further subject to the condition that:-

- (i) Petitioner will file an application before the authority concerned to deduct the above stated amount of Rs. 8, 43, 500/- from his retiral dues.
- (ii) One of the bailors of the petitioner shall be a local person having sufficient immovable property



within the jurisdiction of the concerned Court.

(iii)

The petitioner shall cooperate in the investigation and make himself available as and when required by the police and on the event of failure on his part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bonds.

Once the petitioner files papers within the specified period of three months, showing deduction of above amount from his retirement dues, his bail bond shall be confirmed, otherwise, the court below will be free to pass any order/orders as he deems fit and proper.

(Vinod Kumar Sinha, J)

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