

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54631 of 2017

Arising Out of PS.Case No. -194 Year- 2017 Thana -SAHEBGANJ District- MUZAFFARPUR

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1. Raushan Kumar Son of Anand Mohan Mishra, R/o Village- Rajepur,
P.S.- Sahebganj, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore

For the Opposite Party/s : Mr. Sri Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 21-12-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Sahebganj P.S. Case No.
194 of 2017 instituted for the offence under Section-409 of the Indian
Penal Code and Section-45B of Bihar State Co-operative Act.

It is alleged in the written report that this petitioner being
former Manager and one Anand Mohan Mishra being former Chairman
did not give charge to present Chairman, Nand Kishore and also did not
get the account audited of the cooperative and therefore, FIR was
lodged.

Counsel for the petitioner has pointed out Annexure-2
which is certificate issued by Senior Auditor dated 02-07-2017, wherein
it is stated that the petitioner has submitted the relevant documents for
audit for the period 30-08-2009 to October 2014 and the audit work is
likely to be completed soon.



Counsel for the petitioner has further submitted that he has already given the document to the auditor for audit. Therefore, the document could not be handed over to the present Chairman.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Sahebganj P.S. Case No. 194 of 2017 to the satisfaction of learned Sub Divisional Judicial Magistrate, West, Muzaffarpur 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.

(Sanjay Priya, J)

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