

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53781 of 2017

Arising Out of PS.Case No. -90 Year- 2017 Thana -DHANSORI District- BUXAR

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Birendra Singh S/o Murlidhar Singh, Resident of Village-Hazipur, P.S.-
Dhansoi, District-Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rang Nath Choubey, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 17-11-2017 Counsel for the petitioner is permitted to make

necessary correction in paragraph-1 of the petition.

Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in
connection with Dhansoin P.S. Case No. 90 of 2017 for the
offences under Sections 406, 409, 420 and 120(B) of the Indian
Penal Code.

Counsel for the petitioner submits that the allegation
against the petitioner is based on miscalculation, in fact, the
petitioner has not defalcated the amount of Rs. 83, 515/- as on
subsequent measurement, work was found to be done, which
tallies with the amount withdrawn by the agency connected with



the construction work. The petitioner was only a Mukhiya and his role was to monitor and keep vigil of the work done by the agency connected with the construction work. He submits that if at all he is found in any manner accountable for such amount after accounting, his client is ready to make payment of that amount.

Counsel for the State submits that in order to show bona fide, the petitioner may deposit Rs. 50,000/- (fifty thousand) before the court below for grant of anticipatory bail and the said deposit shall abide by the final outcome of the criminal case and if the petitioner is found innocent, then he shall be entitled for return of such amount. The petitioner is agreeable to the suggestion of the counsel for the State.

In view of the aforesaid as also considering the fact that the petitioner has no criminal antecedent as per statement made in paragraph-3 of the petition, the petitioner is directed to deposit Rs. 50,000/- (Rupees fifty thousand) within a period of two months from today in the court below. In the meanwhile, in order to facilitate the petitioner to arrange money and deposit the said amount of Rs. 50,000/-, the petitioner, above named, shall be released on provisional bail for a period of two month from today, on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Buxar in connection with Dhansoi P.S. Case No. 90 of 2017, which shall be made absolute on deposit of Rs. 50,000/- within a period of two months from today and deposited amount of Rs. 50,000/- will abide by the final decision in criminal case i.e. if petitioner is found innocent the amount shall be refunded otherwise it will be forfeited.

(Anil Kumar Upadhyay, J)

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