

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55729 of 2017

Arising Out of PS.Case No. -384 Year- 2016 Thana -BEGUSARAI TOWN District- BEGUSARAI

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1. Shiv Nandan Sahu, son of Chathu Sah, Resident of Village- Kamla, P.O.-
Manjaul, P.S.- Cheriya Bariyarpur, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Smt. Sahin Begam

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 27-11-2017 The supplementary affidavit filed by the petitioner is

kept on record.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner is languishing in judicial custody since
01.08.2017 in connection with Town P.S. Case No. 384 of 2016
for offences punishable under Section 406 of the Indian Penal
Code.

The prosecution case, as lodged by the Town
Commissioner, Begusarai Municipal Corporation, is that as per the
audit report of the year 2007-08, the petitioner has been found to
have misappropriated a sum of Rs. 7,98,624.00 while working as
Assistant cum Cashier in the office of Municipal Corporation,



Begusarai for the financial years 2005-06 and 2006-07.

It has been submitted by the learned counsel for the petitioner that he is innocent, the money in dispute is the subject matter of another case i.e. Town P.S. Case No. 107 of 2006 lodged by the Executive Officer, Begusarai Municipal Corporation regarding such discrepancies and misappropriation for which he has been in custody since 13.10.2006 till February, 2010 and for the same offence he cannot be punished twice as per Section 300 of the Cr.P.C. He submits that discrepancy found in 2006, has been audited in 2007-08 and, as such, on the basis of the said audit report, the said allegations have been made. He further submits that apart from the earlier case lodged for the same offence the petitioner has no criminal antecedent and now he has superannuated from service.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Town P.S. Case No. 384 of 2016, subject to the following conditions :



- (i) Both the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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