

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58238 of 2017

Arising Out of PS.Case No. -481 Year- 2017 Thana -ARA NAGAR District- BHOJPUR

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1. Rahul Ojha, Son of Ytindra Kumar Ojha, Junior/Assistant Account Clerk,
Resident of Mohalla- Maharana Pratap Nagar, New Police Line, P.S. Ara
Nawada, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarveshwar Tiwary

For the Opposite Party/s : Mr. Sri Ahtash Ali Khan

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 12-12-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Ara Nagar P.S. Case
No. 481 of 2017 instituted for the offence under Sections-406, 409,
420, 467, 468, 471, 120(B)/34 of the Indian Penal Code.

It has been submitted that the petitioner was the Junior
Accounts Clerk, Building Division, Ara. There is no allegation of any
misappropriation of amount or committing irregularities against this
petitioner.

From the impugned order, it appears that learned Sessions
Judge has rejected the anticipatory bail of the petitioner on the ground
that in para-29 of the case diary, witnesses have stated that this
petitioner has not deducted the royalty amount and, therefore, is guilty
for causing loss.

In the written report itself, it appears that irregularity has



been committed by the contractors and the engineers who were responsible for measurement of work.

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 Ara Nagar P.S. Case No. 481 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Ara, Bhojpur 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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