

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15799 of 2018

Arising Out of PS.Case No. -414 Year- 2017 Thana -MOTIHARI TOWN District-
EAST CHAMPARAN (MOTIHARI)

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Satya Narayan Ram, Son of Late Kishun Ram, Resident of
Village Ward No.03, Teliya Patti, Motihari Town, Police
Station- Motihari Town, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Executive Officer, Nagar Parishad, Motihari, District-
East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Adv.

For the State : Mrs. Dr. Indihar Kumari, APP

For the O.P. No. 2 : Mr. Raghwanand, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 05-04-2018 Heard the learned counsels for the petitioner,
Nagar Parishad and the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Motihari Town P.S. Case No. 414 of
2017, dated 12.06,2017, instituted for the offences
punishable under Sections 409 and 34 of the Indian Penal
Code (*in short **the I.P.C.***).

The petitioner had worked for some period



beyond date of his superannuation as a driver with the Nagar Parishad, Motihari, East Champaran. Later, he was asked to refund the money which he had obtained by way of salary for having worked beyond the period of tenure of his service. On his failure to return the aforesaid money, the present case has been lodged.

Mr. Sanjay Kumar, learned Advocate for the petitioner submits that assuming every allegation in the First Information Report to be correct, it would only incur a civil liability on the petitioner to return the money. No offence under Section 409 of the I.P.C. or for that matter any one of the sections of the I.P.C., can at all be said to be made out.

Considering the aforesaid facts and the nature of accusation, let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Motihari Town P.S. Case No. 414 of 2017.

(Ashutosh Kumar, J)

Praveen-II/-

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