

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6733 of 2018

Arising Out of PS. Case No.-92 Year-2016 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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Braj Kishore Rai S/o Late Laxmi Narain Rai, R/o Village- Patasa , P.S.-
Hasanpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bihar State Road Transport Corporation through its Chairman, Parivahan Bhawan, Veerchand Patel path, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binodanand Mishra
For the Opposite Party/s : Mr. Madhuranand Jha

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 28-02-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in L.N.M.U. P.S.
Case No. 92 of 2016 instituted for the offence under Sections
409,420,467,468,471,120(B) of the IPC.

Counsel for the petitioner has submitted that there is
no allegation of defalcation of money against this petitioner. The
petitioner was Divisional Manager, Darbhanga at the relevant
time. There is only allegation against this petitioner that he
being the responsible officer working as Divisional Manager did
not take action against the persons as mentioned in the audit
report, which show that he was also indulged and therefore, he
has been made accused on the basis of aforesaid audit report.



Learned counsel for the B.S.F.C. has submitted that he did not receive any instruction in the matter to file counter affidavit.

In the written report, there is no specific allegation against this petitioner of defalcation.

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 bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with L.N.M.U. P.S. Case No. 92 of 2016 to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga, subject to condition as laid down u/S 438 (2) of the Cr. P.C. with further conditions (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 dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioner and (3) if the 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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