

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62503 of 2017

Arising Out of PS. Case No.-139 Year-2017 Thana- MAHESI District- Saharsa

Shashi Dhar Thakur @ Shree Shashidhar Thakur Son of late Dinkar Thakur
Resident of Village and P.S. Bangaon, District Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Jha

For the Opposite Party/s : Mr. Tapeswar Sharma

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 07-02-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Mahishi P.S. case no.
139 of 2017 instituted for the offence under Section(s)
420,406,409 and 120B of the Indian Penal Code.

Learned counsel for the petitioner has submitted that from
the written report itself, it would appear that there was no
defalcation of money by this petitioner. It is utmost a case of
non transfer of interest amount in the account of the
informant which was subsequently transferred in his account.
Learned counsel for the petitioner has submitted that all the
seven accounts mentioned in the FIR had become non-
operative and therefore the amount of interest credited in these
accounts were withdrawn by then Branch Manager (petitioner)



and, subsequently, all those money have been deposited in those accounts which will be apparent from the F.I.R. itself.

In the F.I.R. it is alleged that the amount was withdrawn from different accounts of informant as noted in the F.I.R. on 07.03.2014 and the same has been deposited in the same account on 01.07.2017. The information was given to the B.D.O. Maheshi by the Branch Manager on 01.07.2017 that all the irregularities in those accounts have been removed and the amount has been transferred in those accounts.

It is submitted that this petitioner has already retired from service on 31.1.2015. The present Branch Manager, namely, Sri C.P. Narayan @ Chandeshwar Prasad Narayan after removing those irregularities, transferred the interest amount to the account of informant after making the account operative . The other co-accused has already been granted anticipatory bail by this Court vide order dated 24.11.2017 passed in Cr. Misc No. 44502 of 2017.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Mahishi P.S. case no. 139 of 2017, he shall be released on anticipatory bail on furnishing



bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Saharsa, subject to the conditions as laid down under Section 438(2) 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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