

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9573 of 2018

Arising Out of PS.Case No. -165 Year- 2017 Thana -CHAUTHAM District- KHAGARIA

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Sarvesh Kumar S/o Sri Vijay Shankar Chaudhary, R/o Village- Rahimpur,
Sonbarsa, P.S.- Muffasil, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Shree Kant Pandey

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3 06-04-2018 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail in
connection with Chautham P.S. Case No. 165 of 2017 for the
offence registered under Sections 420, 406, 409/34 of the Indian
Penal Code.

The allegation in the present case is that the accused,
Branch Manager, Co-operative Bank obtained the signature of the
informant on withdrawal paper and transferred an amount of Rs.
4,40,000/- in the account of the petitioner as well as an amount of
Rs. 1,45,000/- in the PAX C.C. account resulting in defalcation of
the loan amount. It is further alleged that the petitioner is running
rice mill in the name of other persons and had taken 4000 quintals
paddy for supply of rice but did not do the needful, resulting in
him defalcating a sum of Rs. 6.80 lakhs.

The learned counsel for the petitioner submits that for
the same offence another FIR has been filed bearing Chautham



P.S. Case No. 162 of 2017 and in the said case the petitioner has been granted anticipatory bail by an order dated 16.02.2018 passed in Criminal Misc. No. 7734 of 2018, hence he is fit to be granted privilege of the anticipatory bail in the present case.

The said position is not disputed by the learned counsel for the opposite party.

Having regard to the facts and circumstances of the case, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Khagaria in connection with Chautham P.S. Case No. 165 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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