

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19827 of 2018

Arising Out of PS.Case No. -156 Year- 2017 Thana -CHANDAN District- BANKA

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Jageshwar Pd. Yadav @ Jageshwar Yadav, Son of Late Kaleshwar Pd. Yadav, resident of Village- Goriyari, Police Station- Chandan, District- Banka.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Sri Kalyan Shankar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 05-04-2018

Heard learned counsel for the petitioner and

learned APP the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 409 and 420 of the Indian Penal Code.

The prosecution case got initiated with the written report of Ranjan Kumar Rajiv, Block Cooperative Extension Officer, Chandan dated 10.10.2017 submitted to the Station House Officer of Chandan P.S. is to the effect that petitioner being the Manager of Koriya PACS has misappropriated Rs. 5,69,720/- with regard to purchase of paddy and has not deposited the money.



It is submitted by learned counsel for the petitioner that the father of the petitioner late Kaleshwar Pd. Yadav was the President of the Koriya PACS withdrew the alleged amount of Rs.5,69,720/- but unfortunately he died on 05.06.2016 and at that time the petitioner was the Manager of Koriya PACS. Now the petitioner has deposited the alleged amount of Rs.5,69,720/- and thereafter Assistant Manager of Bhagalpur Central Cooperative Bank has issued no dues certificate dated 12.01.2018 and 27.01.2018, which has been brought on record as Anenxure-2 series. The petitioner moved before the learned Sessions Judge earlier when he undertook the deposit the said amount but after deposit the petitioner again moved before the Sessions Judge but learned Sessions Judge did not consider the anticipatory bail application. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that there is specific accusation against the petitioner.

Considering the fact that the petitioner claims to have deposited the alleged defalcated amount, let the above named petitioner be released on anticipatory bail provisionally for three months, in the event of arrest or surrender before the learned court



below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Chandan P.S. Case No. 156 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The learned Court below will confirm the provisional bail of the petitioner after making verification from the Bhagalpur Central Cooperative Bank, which has issued the no dues certificate, as contained in Annexure-2 series.

(Dinesh Kumar Singh, J)

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