

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60998 of 2017

Arising Out of PS.Case No. -405 Year- 2016 Thana -BARBIGHA District- SEKHPURA

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1. Shailendra Gupta @ Shailendra Prasad, son of Late Deonarayan Prasad Gupta @ Late Dev Narayan Gupta, resident of Village- Mogal Bazar, P.S. and Distt.- Munger, at present Working as Nazir, Block Officer- Ariari, P.S.- Ariari and Distt.- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Anjani Pd. Singh

For the Opposite Party/s : Mr. Lalan Kumar

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 19-01-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has been in custody since 16.10.2017 in connection with Barbigha P.S. Case No. 405/2016 registered for the offences punishable under Sections 409 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner was posted as a Nazir at Block office Barbigha from 06.01.2012 to 12.07.2015 and though he had submitted the vouchers for payment of funds in the Social Security Pension Scheme, the vouchers for the same did not find record in the office for the aforementioned period and, therefore, the matter of misappropriation was registered against him. Learned counsel for



the petitioner has drawn the attention of this Court to Annexure-2, which is a letter by the Block Development Officer, wherein he has stated that subsequently, the adjustment of the bills after consideration of vouchers were made for the period 2012-13 and 2013-14 by the Block Development Officer. As such, for this period, there was no misappropriation.

Considering the aforementioned facts and circumstances and that the petitioner has got no criminal antecedent, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheikhpura, in connection with Barbiga P.S. Case No. 405/2016, subject to the following conditions:-

- (1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.
- (2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.
- (3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient



reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

- (4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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