

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21087 of 2018

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1. Md. Abu Nasar, Son of Late Serajuddin @ Late Serajulddin, District-Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Rashid Alam, Adv

For the Opposite Party/s : Mr. Sri Satyadev Prasad Singh Yadav, App

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 01-08-2018

Heard learned counsel for the parties.

Allegation against the petitioner is that while he was Chairman of the PACS, he defalcated Rs. 6,41,520/- in the matter of purchase of paddy.

By order dated 08.03.2018 passed in Cr.Misc.No. 13203 of 2018 at Annexure-1, this Court had granted provisional bail to the petitioner only after deposit of 1/3rd of the alleged defalcation amount.

The petitioner is in custody since 18.10.2017. However, the petitioner could not deposit the aforesaid amount. Hence, he was not released, in pursuance of order dated 08.03.2018. The supplementary affidavit filed by the petitioner would reveal that the petitioner has deposited the 1/3rd of the aforesaid amount.

In the circumstances, let the petitioner,



above named, be released on **provisional bail** on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bahadurganj Police Station Case No.177 of 2017.

The petitioner is ready and willing to deposit the remaining amount within nine months from the date of his release on provisional bail and only after ensuring refund of entire money, the learned court below shall confirm the provisional bail of the petitioner. If the petitioner would fail to refund the entire amount within the aforesaid period, the learned court below shall be at liberty to cancel the provisional bail of the petitioner and further conditions that both bailors shall be resident of territorial jurisdiction of the learned court below and also the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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