

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24655 of 2018

Arising Out of PS.Case No. -6 Year- 2018 Thana -GANDHIMAIDAN District- PATNA

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1. Shyam Sunder Mishra, aged about 48 years, Son of Late Vachapati Mishra, Resident of Village- Tekniwash, P.S.- Rivilganj, District- Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr.Adv.
Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 22-06-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with Gandhi Maidan P.S.Case No.06 of 2018 , registered for offences punishable under 420, 409 and 34 of the Indian Penal Code.

Allegation against the petitioner as per FIR is that the Rs.26.29 lac was deposited in Composite Regional Centre, Patna for the year, 2016-2017 but in the Bank Account only Rs.5.73 lac was found deposited and as such it appears that there is defalcation of Rs.20.96 lac and several persons were made liable for the same including the petitioner, who was incharge of the Composite Regional Centre under the National Institue for Locomotors Disabilities (NILD) Kolkata.



Submission of the learned counsel for the petitioner is that enquiry report, which is part of the FIR itself shows that the petitioner who has informed about the concerned and the audit was also made and in that also no irregularities were mentioned and in spite of that the petitioner has been made accused in this case.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, surrender before the court below within a period of six weeks from the date of receipt of the order and on surrender he will be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Judge VI, ACJM, Patna in connection with Gandhi Maidan P.S.Case no.06 of 2018 dated 5.1.2018, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the investigation of the case and make himself available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of his bail bond.



- (iv) It is made clear that if any serious incriminating materials comes against the petitioner during the investigation, the prosecution shall move for cancellation of his bail bond.

With the aforesaid direction, this application is allowed.

(Vinod Kumar Sinha, J)

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