

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28412 of 2017

Arising Out of PS.Case No. -92 Year- 2016 Thana -LALIT NARAYAN UNIVERSITY District-
DARBHANGA

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Kaushalendra Kishore Ray @ Kaushalendra Kumar Ray "Kishore", son of
Late Hari Kant Rai, resident of Village- Deokuli Dham, P.S.- Biraul,
District- Darbhanga.

.... Petitioner

Versus

1. The State of Bihar.
2. Bihar State Road Transport Corporation.

.... Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur, Advocate Mr. Md. Imteyaz Ahmad, Advocate
For the B.S.R.T.C.	:	Mr. P.K. Verma, Senior Advocate Mr. Saroj Kumar Sharma, Advocate
For the State	:	Dr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 11-04-2018 Heard learned counsel for the parties.

In this case, the petitioner is seeking anticipatory
bail in connection with L.N.M.U. P.S. Case No.92 of 2016,
registered for the offence punishable under Sections 420, 409,
467, 468, 471 and 120(B) of the Indian Penal Code.

As has been alleged that the petitioner and others
have misappropriated the amount of Rs.1,25,32,325.27/-.

Learned counsel for the petitioner submits that the
Audit Team has recorded the finding that vouchers of payment
were not available in the Depot, the fact is that, after the
payment is made the vouchers used to be sent to the Divisional



Office and all the vouchers and payments are lying in the Divisional Office and there is no allegation made against the petitioner that money which have been required to be paid to the employees were not paid to them.

Learned counsel for the Bihar State Road Transportation Corporation submits that some of the funds have been diverted to another place. Diversion is an act that in stead of using the money for 'A' the money has been used for 'B', that does not mean that it will give an inference of misappropriation.

Considering the aforesaid facts, let the above-named petitioner, be released on anticipatory bail in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Darbhanga, in connection with L.N.M.U. P.S. Case No.92 of 2016, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Shivaji Pandey, J)

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