

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56891 of 2018

Arising Out of PS. Case No.-284 Year-2017 Thana- MADHUBAN District- East Champaran

Ishwar Chandra Sah, Son of Late Saryug Prasad Sah @ Late Saryug Sah,
Resident of Village- Kajrahan, Police Station- Madhuban, District- East
Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Shanker Prasad

For the Opposite Party/s : Mr. Sir Pawan Kumar Chaurasiya

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 08-10-2018

Heard learned counsel for the parties.

Petitioner seeks bail in **Madhuban P.S. Case No. 284 of 2017** registered for the offence punishable under Sections 406, 409 and 420 of the Indian Penal Code.

Allegation against the petitioner is of misappropriation of Govt. Fund of Rs. 11,33,537/- allotted for construction of building of three schools.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. Petitioner has got no criminal antecedent and is in custody since 06.07.2018. Petitioner is ready to pay the amount of Rs. 11,33,537/- as per his undertaking given in para 8 and 9 of the petition, which reads as follows:-



"8. The petitioner is an old and sick person and admittedly retired more than 5 years back, but he has been sent behind the bar and made scapegoat by the Informant and his senior officers, therefore, with objection the petitioner is ready to deposit the aforesaid amount from his dues gratuity, which is Rs. 6,30,828/- and for the rest amount he is giving consent to deduct the same from his monthly pension, but the entire deposit by the petitioner will be subject to the result of the case, since the amount was misappropriated by his supervising authorities also, which will be come in course of investigation/trial.

9. The petitioner is at present getting Rs. 30,205/- per month as his monthly pension and he is ready to pay up to Rs. 20,000/- per month to become liability free."

Considering the aforesaid facts and undertaking at para 8 and 9, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Additional Chief Judicial Magistrate-IV, Motihari at East Champaran**, in connection with **Madhuban P.S. Case No. 284 of 2017**, with following conditions:-

(1) Gratuity amount of the petitioner of Rs. 6,30,828/- shall be withheld and rest amount of Rs. 5,0,2709/- shall be recovered from the monthly pension of the petitioner and the EMI of the same should not be more than Rs. 20,000/- per month. The payment of amount of Rs. 11,33,537/- shall be subject to outcome of the case.

(2) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(3) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by



the court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bond.

(4) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

ranjan/-

U			
---	--	--	--

