

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.67746 of 2018

Arising Out of PS. Case No.-103 Year-2018 Thana- NAUHATTA District- Saharsa

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1. Chhedan Sah, Son of Late Bindeshwari Sah,
 2. Dinesh Kumar Sah, Son of Hare Krishna Sah, Both resident of Village- Nauhatta, P.S.- Nauhatta, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Sri Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3 11-12-2018 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek regular bail in connection with Nauhatta P.S. Case No. 103 of 2018 for the offenses punishable under Sections 406, 409 and 420 of the Indian Penal Code.

The allegation as per the informant is that the wife of the petitioner no. 1 was previously posted as Secretary of Middle School, Nauhatta and there was a joint account in her name with the Headmaster of the School and on account of certain confusion especially due to the Aadhar Number of the petitioner having earlier been linked with the said Bank account and subsequently having not been removed, a sum of Rs. 13,80,000/- had been deposited in the said bank account which was withdrawn by the wife of the petitioner no. 1. However, admittedly, according to the informant the said amount of Rs. 13,80,000/- was deposited by the wife of the petitioner no. 1 in the account of the school on 30.06.2018, nonetheless the present FIR was lodged on 01.07.2018.



The learned counsel for the petitioner submits that firstly, there is no allegation as far as the petitioners are concerned regarding their complicity in the entire crime and at best the wife of the petitioner no. 1 can be said to have embezzled the amount which was however subsequently deposited back in the account of the bank. It is further submitted that the petitioner no. 2 is merely In-Charge of the Uttar Bihar Gramin Bank and has nothing to do with the alleged occurrence. The petitioners was stated to be accused in one another case each, however, they are on bail, hence they have a fair antecedent. The petitioners are said to be in custody since 03.08.2018.

Having regard to the facts and circumstances of the case, the petitioners, above named, are directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Saharsa in connection with Nauhatta P.S. Case No. 103 of 2018.

(Mohit Kumar Shah, J)

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