

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5784 of 2019

Arising Out of PS. Case No.-348 Year-2015 Thana- MOTIPUR District- Muzaffarpur

Awadh Kumar Gupta S/o Late Sita Ram Sah, resident of Village - Dariya
Chapra, P.S-Motipur, Dist-Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Muzaffarpur Central Co-operative Bank Ltd. Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey
For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 05-02-2019 Heard learned counsel for the parties.

Petitioner seeks bail in Motipur P.S. Case No.
348/2015 registered for the offence punishable under Sections
409 and 420 of the Indian Penal Code.

The complainant who is the Branch Manager of
Central co-operative Bank has stated in his written report that
the Government of Bihar has provided amount through Co-
operative Bank for purchasing paddy and said amount has been
provided to the PACS in the year 2013-14 to South Bariyarpur
member of the PACS Committee to which, Secretary, i.e., the
petitioner and Member, i.e., one Ashish Rai of the PACS
committee have been authorized to withdraw the amount
through the bank and distribute to the farmer for purchasing



paddy. Both Secretary and Member have distributed the amount to the farmer but they have not provided the paddy to the State Khad Nigam. It is also alleged that they have defalcated amount of Rs.2,29,031.55/-.

It has been submitted on behalf of the petitioner that he is innocent and he undertakes to deposit half of the aforesaid amount within one month after his release.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released **on provisional bail for one month** on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned SDJM (West), Muzaffarpur in connection with Motipur P.S. Case No. 348/2015, and after deposit of half of the aforesaid amount within one month, the provisional bail shall be confirmed by the court below itself, failing which the bail bond of the petitioner shall be cancelled. The payment made will be subject to the final outcome of the case with following conditions:-

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

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two



consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) 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.

Accordingly, this criminal miscellaneous application stands disposed of.

(S. Kumar, J)

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