

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14215 of 2019

Arising Out of PS. Case No.-408 Year-18 Thana- GARKHA District- Saran

PRABHU SHAH @ PRABHU SAH Son of Late Jai Shree Prasad Resident of
Village- Kamalpur, P.S.- Garkha, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh
For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 01-05-2019 This is an application for grant of anticipatory bail in connection with Garkha P.S. Case No. 408 of 2018, disclosing offences under Section 384/34 of the Indian Penal code.

Allegation as per FIR is that one Manita Devi has been granted Rs. 50,000/- for Pradhan Mantri Awas Yojna, but the petitioner and other accused persons taken Rs. 16,000/- and given only 34,000/- to the Manita Devi.

Submission of learned counsel for the petitioner is that the petitioner is running a Customer Service Point of Central Bank of India and he has been falsely implicated in this case. Further submission is that other accused person, namely, Sanjay Ram has been granted provisional anticipatory bail by a Coordinate Bench of this Court vide order dated 11.02.2019 passed in Cr. Misc. No. 7065 of 2019 on depositing Rs.16,000/-



Heard learned A.P.P. also, who opposed the prayer for anticipatory bail to the petitioner and drawing my attention towards para 10 of the case diary, in which statement of Manita Devi has been recorded.

Having heard both sides, considering the above submission, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks and the learned court below shall examine as to whether Rs.16,000/- has been deposited by co-accused Sanjay Ram or not, if the same has already been deposited, the petitioner shall be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, XIV, Saran at Chapra, in connection with Garkha P.S. Case No. 408 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

This is further subject to the condition that the petitioner shall cooperate in investigation, otherwise the prosecution shall be at liberty to move for cancellation of bail bonds of the petitioner.

(Vinod Kumar Sinha, J)

Amjad/SKSuman.

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