

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26032 of 2019

Arising Out of PS. Case No.-46 Year-2018 Thana- BABUBARHI District- Madhubani

RAM PRIT MAHTO Son of Late Kamal Mahto Resident of Village -
Babubarhi, P.S.- Babubarhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur, Adv.
		Ms. Babita Kumari, Adv.
For the Opposite Party/s	:	Mr.Dr. Ajeet Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 08-05-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner seeks bail in connection with Babubarahi
P.S. Case No. 46 of 2018 for offences punishable under Sections
409, 419, 420, 467, 468/34 of the Indian Penal Code.

The prosecution case as lodged by the Inspector,
North Division, Jhunjharpur is that the petitioner while posted as
S.P.M., Babubarhi from February, 2014 along with one Basudeo
Ram S.P.M, Khutauna, in the Khutauna sub post office have
embezzled a sum of Rs. 61,94,892/- by opening fictitious
account in the name of several persons.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has been falsely implicated in



the aforesaid case even otherwise, a sum of Rs. 62,00000/- has been returned by the petitioner. He is already under suspension and a departmental proceeding is going on against the petitioner being a government servant. It is further submitted that the petitioner is languishing in judicial custody since 02.02.2019 and undertakes to cooperate in the investigation and not to tamper with the evidence or prosecution witnesses and would provide all necessary papers and documents required in the investigation of the said case.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner has committed a criminal breach of trust and on inquiry it has been found that amount of embezzlement is more than 62 lacs which is alleged against the petitioner.

Considering the facts of the case, nature of allegations and the petitioner is a government servant and that he undertakes to cooperate with the investigation, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-III, Madhubani in connection with Babubarahi P.S. Case No. 46 of 2018, subject to the conditions:-

(1) One of the bailors would be close relative of the



petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

devendra/priyanka

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