

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37206 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- KAJRA District- Lakhisarai

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Ajay Kumar Singh, Son of Late Chunchun Singh, Resident of Village-
Basudeopur, P.O. and P.S.- Kajra, Dist.- Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate
		Mr. Santosh Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 22-08-2019 Heard Mr. Ramakant Sharma, learned Senior Counsel

for the petitioner and the learned counsel appearing on behalf of

the State.

The petitioner is apprehending his arrest in connection
with Kajra P.S. Case No.05 of 2019 for allegedly having
committed the offence under Sections 409, 420/34 of the Indian
Penal Code.

Learned counsel for the petitioner submits that the
petitioner was the Chairman of Basudeopur PACCS between the
period 31.12.2003 and 20.06.2006 and thereafter the aforesaid
PACCS was bifurcated into two PACCS with another person as
the Chairman of the aforesaid PACCS. It is further submitted
that the audit report was submitted between the period



01.04.2006 and 31.03.2008 in which there was a finding by the audit team that certain loans have been disbursed which have not yet been realized. It is further submitted that in pursuance of such finding by the audit team, the present F.I.R. has been instituted against the petitioner, which is wholly motivated and without any substance. Learned Senior Counsel has further submitted that in the intervening period between 31.03.2006 and 20.06.2006, which is the period covered by the audit report, the petitioner has merely sanctioned eight loans, which were not at his own behest as he was not empowered to do the same, but at the instance of the entire working committee in which majority of the persons had endorsed the said loan application. He further submits that if there is any recovery of the loan, it was for the persons and the authority who has succeeded him to take necessary steps for recovery of the same. He thus submits that the entire allegation is misconceived and there is no evidence of defalcation in the document enclosed with the F.I.R. and as such, the petitioner is not liable for prosecution. Learned counsel for the petitioner submits that in view of the aforementioned facts and circumstances, no case under Sections 409 and 420 I.P.C. is made out against the petitioner and therefore, he may be extended the privilege of anticipatory bail.



He further submits that the petitioner at all times shall co-operate with the investigation and in the trial, as and when required.

Considering the aforementioned facts and circumstances and the nature of allegation, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Kumar Prabhakar, learned Judicial Magistrate, 1st Class, Lakhisarai, in connection with Kajra P.S. Case No.05 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.



(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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