

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35037 of 2019

Arising Out of PS. Case No.-62 Year-2019 Thana- PHULWARIYA District- Gopalganj

SHIVNARAYAN MANDAL Son of Raja Ram Mandal Resident of Village -
Sarupai, P.O.- Jagdishpur, P.S.- Bijaipur, District- Gopalganj, At present,
Working as Nazir, Circle Office - Fulwaria, P.S.- Fulwaria, District-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepak Kumar Sinha
For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 23-08-2019 This application, for grant of anticipatory bail, arises out of
Fulwaria P.S. Case No. 62/2019, disclosing offences under Sections
467, 468, 420, 406 and 409 of the Indian Penal Code.

Allegation against the petitioner, who is working as Nazir
in the Block Office, Fulwaria is that he has not completed the cash
book of Anchal Nazarat and due to which, there is no upto date
position of amount of allotment and expenditure and as per annual
return Rs. 4,12,695/- was not deposited in treasury for the financial
years 2017-18 and 2018-19 and the total amount of Rs. Six Lakhs
was neither deposited in treasury nor in the bank, which shows the
embezzlement done by the petitioner.

Submission of learned counsel for the petitioner that
entire allegation is false and concocted, which has been levelled
without conducting the audit of the account and the petitioner has



given an undertaking that after audit, whatever amount found due, he is ready to deposit the same.

Heard learned A.P.P. also.

Having heard both sides, in view of the above facts, this application is disposed of with direction to the petitioner to surrender before the court below by 05.09.2019, on which, the court below shall release him on provisional bail till submission of charge-sheet, during which, period the petitioner will appear before the investigating officer as well as before authorities concerned and produce the papers showing him innocent with regard to submission of return for the financial years 2017-18 and 2018-19 and after verification of the same, if it is found that there is intentional and deliberate laches on the part of the petitioner, the provisional bail granted to the petitioner shall stand automatically cancelled and he will have to surrender in the court below for grant of regular bail.

This application is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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