

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58482 of 2019

Arising Out of PS. Case No.-234 Year-2016 Thana- BAKHTIARPUR District- Saharsa

VIVEKANAND MANDAL, aged about 30 years, Male, S/o Rajendra Prasad Mandal, R/o Village- Srichak Kamalpur, P.S.- Sanhauli, District- Bhagalpur
... Petitioner

Versus

The State of Bihar
... Opposite Party

Appearance :

For the Petitioner : Mr. Shiva Shankar Sharma, Adv.

For the Opposite Party : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

9 17-09-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with Bakhitiyarpur P.S. Case No. 234 of 2016 for the offences alleged under Sections 341, 323, 324, 420, 406, 409 and 506 of the Indian Penal Code.

The accusation is that one Vinod Kumar Bhagat, being the agent of Kosi Central Cooperative Credit Society Limited, Simri, Bakhtiyarpur, collected Rs.1,4000/- from the complainant/informant, Vinay Kumar Gupta. When the complainant/informant went to Kosi Central Cooperative Credit Society Limited for maintaining the pass book regarding up-to-date deposit, then, only entry was made regarding deposit of Rs.59,000/-. After maturity the complainant/informant made demand to return the money, then, Vinod Kumar Bhagat talking



to the staff of the Kosi Central Cooperative Credit Society Limited assured that matured amount will be paid, but, the money was not paid.

The submission of the learned counsel for the petitioner is that the petitioner is not named in the complaint petition, which is the basis of the first information report. In course of the investigation, the name of the petitioner, being the Cashier of the Kosi Central Cooperative Credit Society Limited, surfaced. In fact, the money which was handed to the petitioner by Vinod Kumar Bhagat, after collection, the posting made in the Cooperative's register, as such, the petitioner has no hand about misappropriating the money as handed over by the complainant/informant to Vinod Kumar Bhagat for depositing the same. Petitioner has no criminal antecedent.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Bakhitiyarpur P.S. Case No. 234 of 2016 shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each



to the satisfaction of the Chief Judicial Magistrate, Saharsa, or
the successor Court subject to the conditions as laid down under
Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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