

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62681 of 2019

Arising Out of PS. Case No.-109 Year-2018 Thana- BANKA District- Banka

Shailendra Kumar, aged about 63 years, Male, Son of Late Ramdeo Singh, Resident of Village – Bara Sirishi, near Kalyan Bigha, P.S.- Harnout, Dist.- Nalanda, at present resident of Mohalla- Belabagan near Durgabari Pragya Centre, P.S.- Deoghar, Dist.- Deoghar (Jharkhand)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Adv.

For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 06-11-2019 Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Banka P.S. Case No.109 of 2018, G.R. No.413 of 2018, registered for the offence punishable under Sections 420/409 of the Indian Penal Code.

Earlier, twice the prayer for regular bail of the petitioner was rejected vide order dated 31.01.2019 passed in Cr.Misc.No. 2046 of 2019 and order dated 08.05.2019 passed in Cr.Misc.No.16208 of 2019. The prayer for bail was rejected by order dated 08.05.2019 observing therein “at this stage”.

Allegation against the petitioner, who happens to be Nazir, is of embezzlement of Rs.92,06,200/-, which was



government money and was to be used for execution of different government welfare schemes, for which payment was to be made by cheques but said cheques were tampered and by interpolation same were deposited in personal account standing in the name of the petitioner, his wife as well as his son. The embezzlement of money is of the financial year 2013-14, when the petitioner was posted as Nazir in District Welfare Section of Collectorate.

Charges have been framed by the court of learned S.D.J.M., Banka on 01.02.2019. It has been further submitted that petitioner has been granted bail in another criminal case i.e. Chandan P.S. Case No.22 of 2018 passed in Cr.Misc.No.1752 of 2019 by order dated 08.05.2019 with a direction to deposit rupees ten lacs in the court below, which has been enclosed as Annexure-4 to the petition. Departmental proceeding has also been initiated against petitioner and no retiral benefits has been paid to him and any loss sustained by him can be realised by the government from his retiral dues. Counsel for the petitioner submits that he may be granted bail in terms of Annexure-4 in which similar allegation has been made against petitioner.

Considering the aforesaid facts and circumstances, petitioner named above is directed to be released on bail on



furnishing bail bond of Rs.20,000/-(twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Banka in connection with Banka P.S. Case No.109 of 2018, G.R. No.413 of 2018 and petitioner shall also deposit an amount of Rs.10,00,000/-(ten lacs) in the court below before being released on bail, which will be subject to final outcome of the case.

(S. Kumar, J.)

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