

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8983 of 2020

Arising Out of PS. Case No.-8 Year-2017 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Maheshwar Prasad @ Maheshwar Prasad Ydava S/o Narayan Rai Resident of
Village- Paigamberpur, P.S.- Shiwaipatti, Distt- Muzaffarpur.

... .. Petitioner

Versus

1. The State Of Bihar
2. Mathura Prasad Chaudhary S/o Late Chhathu Chaudhary Resident of
Village- Paigamberpur, P.S.- Shiwaipatti, Distt- Muzaffarpur.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr.Hari Kishore Thakur, Adv.

For the Opposite Parties : Mr.Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-03-2020 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 08 of 2017, Trial No. 3126 of 2019 for
the offence punishable under Sections 406 and 420 of the Indian
Penal Code.

The allegation according to the complainant, who
is stated to be the Chairman of Paigampur PACS is that the
petitioner, who was the Assistant Secretary-cum-Manager of the
said PACS had embezzled a sum of Rs.1,96,779/- and the said
sum is recoverable from the petitioner herein.

The learned counsel for the petitioner has



submitted that the petitioner has deposited the aforesaid sum of money as is apparent from page 23 of the present petition wherein the Chairman of PACS in question, namely, Mathura Prasad Chaudhari (complainant) has given a certificate dated 12.07.2016, certifying that he has received a sum of Rs. 1,96,779/- from the petitioner herein.

The learned counsel for the complainant has not disputed the aforesaid position existing on facts, however, he submits that a further sum of Rs. 11 lacs has been embezzled by the petitioner.

At this juncture, it would suffice to state that the present case does not pertain to embezzlement of a sum of Rs. 11 lacs, but only relates to embezzlement of a sum of Rs. 1,96,779/-.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the parties, I deem it fit and proper to direct for release of the petitioner on anticipatory bail.

Accordingly, in the event of arrest or surrender in the court below within a period of four weeks from today, the petitioner above named is directed to be released on



anticipatory bail on furnishing bail-bonds of Rs. 10,000/-(rupees ten thousand) with two sureties of the like amount to the satisfaction of learned Judicial Magistrate, 1st Class, Muzaffarpur in connection with Complaint Case No. 08 of 2017, Trial No. 3126 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

K.K.RAO/-

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