

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11807 of 2019

Arising Out of PS. Case No.-143 Year-2000 Thana- JHANJHARPUR District- Madhubani

Bhagirath Lal son of late Prabhu Narayan Lal Das resident of Village- Ujjan
Dharampur, P.S.- Lohna Road ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Abhinav Srivastava, Advocate

For the Opposite Party : Indu Kri Srivastava, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 14-02-2020 Heard learned counsel for the petitioner as well as
learned counsel for the State.

Petitioner apprehends arrest in a case registered for
the offences punishable under Sections 409/34 of the Indian
Penal Code.

The prosecution case, in short is that informant
Pradeep Sah, Sub-Judge 1st cum Additional Chief Judicial
Magistrate cum In-Charge Judge (Accounts), Civil Court,
Jhanjharpur gave a typed written petition to the SHO,
Jhanjharpur Police Station alleging therein that he got a letter
dated 12.12.2000 issued by the then learned District and
Sessions Judge, Mdhubani directing him to lodge FIR with
respect to illegal withdrawal against Ashok Mishra. It is further
stated that he got a letter from Finance Department by which he
was directed to enquire and report in response to which he set
for a report from Sri R.K.Singh, the then Sub Divisional Judicial
Magistrate, Jhahjuhapur cum In-charge Judge (Accounts) with
respect to which he reported by letter no. 51C of 2000 according
to which Rs.9,03,204/- was illegally withdrawn in contravention
of different rules by Ashok Mishra, Account-cum-Nazir,
Jhanjharpur during the period of 1996 to 1999 and thereafter
Ashok Mishra was transferred and Sri Jagannath Jha took his
charge and he has reported that after salary disbursement
amount of Rs.43,888/- was lying which was deposited by



challan on his direction.

Learned counsel for the petitioner submits that the petitioner, during the relevant time, was posted as assistant in the Government sub-treasury, Jhanjharpur. He submits that even on perusal of the FIR, it is apparent that there is allegation of defalcation of Government money against Ashok Mishra and the petitioner has not been named in the FIR. He retired in 2003 and after 15 years of his retirement he has been roped in this case on ill motive without any material. Petitioner has got no criminal antecedent.

Considering the facts of the case, let the petitioner, above named, in the event of arrest/surrender before the Court below within a period of six weeks from the date of receipt of the 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 the learned Additional Chief Judicial Magistrate, Jhanjharpur in Jhanjharpur Police Station Case No. 143 of 2000, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

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(Prabhat Kumar Singh, J)

