

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17135 of 2020

Arising Out of PS. Case No.-100 Year-2010 Thana- BAHERA District- Darbhanga

MANOJ KUMAR Son of Sri Ganesh Kumar Resident of Village - Kumar Bhawan, Gali No.3, Near Kali Mandir, Manik Sarkar Chowk, Jagdishpur, P.S.- Adampur and Dist.- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avinash Chandra

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-09-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and Sri Lalan Kumar, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Bahera PS case no. 100 of 2010 registered for the offences punishable under Sections 409 and other allied sections of Indian Penal Code.

The allegation is regarding the accused persons including the petitioner herein, who were posted at Benipur Block during the period 2007 to 2010 having connived amongst themselves and misappropriated government funds.



The learned counsel for the petitioner has submitted that the main person responsible for managing the funds who was the Drawing and Disbursing Officer i.e. Block Programmed Officer has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 12.03.2015, passed in Cr. Misc. no. 9887 of 2015. It is further submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. Lastly, it is submitted that the petitioner is ready and willing to abide by such conditions as may be deemed fit and proper to be imposed by this Court for the purposes of grant of anticipatory bail and he is further ready and willing to join the investigation.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioner and taking into account the parity of the case of the petitioner with that of the co-accused persons who have already been granted anticipatory bail, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail, however subject to certain conditions. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to



be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Benipur, Darbhanga in connection with Bahera PS case no. 100 of 2010 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

It is further directed that the petitioner shall mark his presence before the officer-in-charge of the concerned police station at 10 am on every Monday, starting from the day he is released on bail, and in case of failure to do so on two consecutive occasions, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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