

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23764 of 2020

Arising Out of PS. Case No.-231 Year-2019 Thana- SULTANGANJ District- Bhagalpur

Lalit Sharan Singh, Son of Late Shyamu Singh, Resident of Rajpur, P.S. -
Rajpur, District - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Apurva Kumar, Advocate
For the S t a t e	:	Mr. Pradeep Narayan Kumar, APP
For the informant- BISCOMAUN	:	Mr.Ashish Giri, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 09-10-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned counsel appearing for the BISCOMAUN as well as the learned APP for the State.

The petitioner is apprehending his arrest in connection with Sultanganj P.S. Case No.231 of 2019 registered for the offence punishable under Sections 406 and 420 of the Indian Penal Code.



The allegation in the F.I.R. is of blackmarketing and embezzlement of Government funds by the petitioner, who was posted at the Agriculture Service Centre in between the period 01.04.2015 to 29.08.2018. In spite of the assurance that he would return the amounts allegedly embezzled, the same was not done leading to lodging of the prosecution against the petitioner that he has embezzled an amount of Rs.9,93,245/-.

It is submitted by the petitioner's counsel that the amounts were not embezzled. Since the proceeds could not be recovered timely from the beneficiaries, a delay occurred in depositing the amounts with the authorities at BISCOMAUN. Learned counsel further submits that the petitioner is ready and willing to make good the loss to the BISCOMAUN inasmuch as the petitioner will pay the entire amount mentioned in the FIR, i.e. Rs.9,93,245/-, to the BISCOMAUN within a period of six months from today positively. Petitioner has been granted anticipatory bail in another case lodged by BISCOMAUN under identical circumstances in Cr.Misc. No.2064 of 2020, subject to the same conditions. Learned counsel further submits that out of the aforesaid amount, a sum of Rs.6,00,000/- has already been paid by the petitioner.

On the other hand, Mr. Ashish Giri, learned counsel



for the informant-BISCOMAUN, vehemently opposes the prayer for anticipatory bail, but on the offer of refund being made by the petitioner, learned counsel submits that the petitioner's prayer for anticipatory bail may be considered, but subject to the condition that the entire amount due to the BISCOMAUN shall be paid by the petitioner without fail.

After having heard learned counsel for the parties and taking into consideration the fact that the petitioner is ready and willing to pay the entire amount due to the BISCOMAUN, I am inclined to grant the petitioner the privilege of anticipatory bail, subject to the condition that he shall pay a sum of Rs.9,93,245/- less the amount already paid by the petitioner, to the BISCOMAUN, if any, within a period of six months from today.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail subject to the aforesaid condition and with further condition that at the time of surrender, the petitioner shall pay a sum of Rs.1.5 lakhs to the BISCOMAUN with due acknowledgment and the petitioner shall annex the proof of deposit of Rs.1.5 lakhs in



BISCOMAUN along with surrender-cum-bail application.

It is made clear that if the petitioner fails to fulfill the terms and condition of the bail, the BISCOMAUN shall have the liberty to take steps for cancellation of his bail bonds in accordance with law.

This application is accordingly allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, 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 learned Additional Chief Judicial Magistrate, 1st, Bhagalpur, in connection with Sultanganj P.S. Case No.231 of 2019, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure and also subject to the conditions as above.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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