

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.32246 of 2020**

Arising Out of PS. Case No.-363 Year-2019 Thana- PIRBAHOR District- Patna

Shiv Pati Kumar @ Shri Shivpate Kumar @ Shri Shivpati Kumar, S/o Shri Shivanandan Singh, Resident of Village-Mahadipur, P.S. Haspura, District-Aurangabad. Petitioner

Versus

1. The State of Bihar
2. The Punjab National Branch through its Branch Manager, P.M.C.H. Branch, Ashok Rajpath, Patna.

... .. Opposite Parties

Appearance :

For the Petitioner/s :	Mr.Murari Narain Chaudhary, Advocate
For the Opposite Party/s :	Mr. Md. Mushtaque Alam, A.P.P.
For the P.N.B. :	Mr. Mritunjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-12-2020 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md. Mushtaque Alam, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail in connection with Pirbahore P.S. Case No. 363 of 2019/G.R. No. 5615 of 2019 registered for the offences under Sections 166(A), 409, 420, 467, 468 and 120(B) of the Indian Penal Code.

Earlier the prayer for anticipatory bail of the petitioner was rejected twice, firstly in Cr. Miss. No. 61703 of 2019 vide order dated 29.11.2019 and then in Cr. Misc. No. 20719 of 2020



vide order dated 25.06.2020 and in fact the Cr. Misc. No. 20719 of 2020 was withdrawn by learned counsel for the petitioner after having found that there was no change of circumstance.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that now the petitioner is ready to deposit Rs. 5,00,000/- approximately which have been allegedly siphoned away from some of the accounts.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein the prayer for anticipatory bail of the petitioner has been earlier rejected twice, firstly in Cr. Miss. No. 61703 of 2019 vide order dated 29.11.2019 and then in Cr. Misc. No. 20719 of 2020 vide order dated 25.06.2020 and in fact the Cr. Misc. No. 20719 of 2020 was withdrawn by learned counsel for the petitioner after having found that there was no change of circumstance, this Court at this stage finds no reason to entertain this application in its third attempt.

The contention of learned counsel for the petitioner is that now the petitioner is ready to deposit Rs. 5,00,000/- approximately which have been allegedly siphoned away from



some of the accounts and this would be without prejudice to his contentions and learned counsel submits that this has to be taken as change of circumstance but this Court is not convinced with such submissions as according to this Court the offer to deposit the amount for purpose of grant of anticipatory bail is not a change of circumstance which may warrant fresh consideration of the prayer for anticipatory bail of the petitioner.

The earlier orders show the consideration given by this Court and it is because of the seriousness of the offences alleged this Court has declined to exercise its discretion under Section 438 Cr.P.C.

Let the petitioner surrender in the court below and pray for regular bail and while seeking the regular bail he may make this offer in the learned court below which will be considered on its own merit without being prejudiced by the earlier orders of this Court.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

