

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51162 of 2019

Arising Out of PS. Case No.-71 Year-2019 Thana- GOVINDGANJ District- East Champaran

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MANISH KUMAR MISHRA @ MANISH KR. MISHRA, aged about 41 years, Gender-Male, Son of Shivdhari Mishra, Resident of Village- Lauriya, P.S.- Govindganj, District- East Champaran.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Union of India through the Inspector, Post, West Sub Division, Motihari, East Champaran.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr.Madhurendra Kumar, Advocate.
For the State	:	Mr.Amitesh Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 16-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsels for the petitioner, Union of India and learned counsel for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 409, 420, 467, 468, 469, 470 and 471 of the IPC.

The prosecution story, in brief, is that on the basis of Letter dated 18.02.2019, sent by the informant Mithilesh Kumar, Inspector, Post, West Sub Division, Motihari, to the S.H.O.,



Malahi, alleging therein that co-accused Ajay Kumar Choubey, the then Sub- Postmaster, Malahi and Manish Kumar Mishra (petitioner) the then Postal Assistant have misappropriated government money amounting to Rs. 6,73,200/-. Out of which, co-accused Ajay Kumar Choubey has misappropriated Rs. 2,68,000/- individually and Rs. 4,05,200/- was misappropriated by co-accused Ajay Kumar Choubey and this petitioner.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. It is further submitted that the petitioner is ready to deposit an amount of Rs. 50,000/- (Rupees Fifty Thousand) only in the learned court below which shall be subject to result of the case.

On behalf of the State and Union of India, it is submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner, is directed to deposit an amount of Rs. 50,000/- (Rupees Fifty Thousand) only in the learned court below which shall be subject to result of the case. On doing so, let the petitioner, above named, in the event of



arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned A.C.J.M.-Ist, East Champaran at Motihari, in connection with Govindganj (Malahi) P.S. Case No. 71 of 2019, G.R. Case No. 1603 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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