

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50031 of 2019

Arising Out of PS. Case No.-222 Year-2019 Thana- RAHUI District- Nalanda

Shashiraj Kumar, Son of Dharmendra Prasad, Resident of Village- Saidalli,
P.S.- Rahui, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

7 24-02-2020 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in a case registered for the offence under sections 406, 409 and 420 of the Indian Penal Code.

As per allegation in the F.I.R, on a complaint having been filed by the Manager of the PACS, an enquiry was conducted wherein it transpired that the irregularity had been committed in withdrawal of a sum of Rs.6.5 lacs. While the withdrawal of the amount should have taken place on the joint signature of the Chairman and Manager of the PACS, on enquiry, only the signature of the Chairman of the PACS was found to be genuine.



So far as the signature of the Manager is concerned, the same did not match.

It is submitted by learned counsel for the petitioner that the allegation against the petitioner is false and concocted for the reason that as Santosh Kumar had removed the relevant registers from the office of the PACS, the Managing Committee of the PACS took a decision to remove him and it was after much delay and for this reason that he filed this instant F.I.R. with false and concocted allegations. It is further submitted that audit had been conducted for the relevant period and no irregularity or objection had transpired in the same. Further by way of supplementary affidavit filed on behalf of the petitioner, a copy of the order passed by the Joint Registrar in Surcharge Case No.01 of 2019-20 has been brought on record to show that on an enquiry conducted in the matter it was found that the amount has been withdrawn on the joint signature of the Chairman as well as the Manager of the PACS.

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and in the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The petitioner above named, in the



event of his arrest or surrender in the Court below within a period of six weeks from today in connection with Rahui P.S. Case No.222 of 2019 is directed to be enlarged on bail on furnishing bail bond of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Nalanda at Biharsharif subject to the conditions as laid down in section 438 (2) of Criminal Procedure Code.

(Partha Sarthy, J)

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