

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33692 of 2021

Arising Out of PS. Case No.-29 Year-2015 Thana- MADHUBAN District- East Champaran

SHAILENDRA KUMAR, age about 41 years, Gender (Male), Son of Mahendra Kumar, Resident of Village- Neemtāl, P.S. Khusrupur, Dist - Patna.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shivendra Kumar Sinha, Advocate.
For the Opposite Party : Mr. Khurshid Anwar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 24-08-2021 A Mentioning Slip has been filed on 17.08.2021 by learned counsel for the petitioner stating therein that the petitioner is an employee of the Railway and is suffering from some medical ailments. Hence, he prays that this case may be taken up out of turn.

Considering the grounds mentioned in the Mentioning Slip, this case is being taken up out of turn.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 406 and 420 of the I.P.C.

The prosecution story, in brief, is that the informant's '*Jivika Office*' is situated at Ist Floor near the Gramin Bank,



Indian Gas Agency, Tetaria, and the petitioner was working as Community Co-ordinator since 23.01.2014 but on 01.02.2015 all of a sudden, the petitioner resigned from his post stating that he has got a job in the Railway. But on 03.02.2015, the women of three villages' organization told that the petitioner had taken Rs. 70,140/- from their groups to deposit it in the bank but he did not deposit it in the bank rather he fraudulently kept it, in his possession and went away. It is also alleged that all working staff of the village *Gheghwa* confirmed the said fact that the petitioner has defalcated Rs. 80,000/-.

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 falsely been implicated in the present case. There is no documentary proof to show that any money was deposited with 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. 35,000/- (Rupees Thirty Five Thousand Only) in the learned court below which shall be subject to final result of the case.

On behalf of the learned counsel for the State, it has



been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner is directed to deposit an amount of Rs. 35,000/- (Rupees Thirty Five Thousand Only) in the learned court below which shall be subject to final 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 twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned Additional Sub Divisional Judicial Magistrate, Motihari, in connection with Madhuban P.S. Case No. 29 of 2015, 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) only with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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