

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59153 of 2019

Arising Out of PS. Case No.-158 Year-2019 Thana- FATEHPUR District- Gaya

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GANESH PRASAD (Male), aged about 61 years, son of Late Ram Lakhan Singh, resident of Village- Nathupur (Radha Krishna Nagar) near Kalyani Hospital, P.S.- Parsa Bazar, District- Patna.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

14 22-01-2021 Heard learned counsel for the petitioner and

learned APP for the State.

In this case, the petitioner is seeking anticipatory bail in connection with Fatehpur P.S. Case No. 158 of 2019, registered for the offence under Sections 406, 409 and 420 of the Indian Penal Code.

Allegation has been made against the petitioner that he failed to submit / hand over seven records at the time of his transfer / promotion.

Learned counsel for the petitioner submits that co-accused Vivek Kumar @ Bivek Kumar, against whom allegation has been made that he had not released the Old Age Pension to the beneficiaries, has already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 01.07.2019



passed in Criminal Miscellaneous No.22686 of 2019. He further submits that the amount involved has already been recovered from his salary.

Learned counsel for the petitioner further submits that the petitioner has already been superannuated and there is no allegation against the petitioner to have committed misconduct connected with the monetary benefit. He next submits that the petitioner is ready to deposit Rs.20,000/- in the Treasury of the State of Bihar.

In such view of the matter, if the petitioner deposits Rs.20,000/- in the Treasury of the State of Bihar and produce the receipt, showing deposition of aforesaid amount in the Treasury, before the Court below at the time of surrender, within a period of six weeks from today, in that event, let the above-named petitioner, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the A.C.J.M.-X, Gaya, in connection with Fatehpur P.S. Case No. 158 of 2019 subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is also subject to the condition that one of the bailors will be the close relative of the petitioner i.e. his son/



daughter/ wife and whenever the police will call the petitioner for the purposes of investigation and interrogation, he will remain present for the investigation. In the event of being absent on two consecutive dates without reasonable explanation, the present order will be treated to have been cancelled.

It is made clear that if the petitioner succeeds in the trial, in that circumstance, the State would be obliged to return the amount deposited by the petitioner.

Accordingly, this Interlocutory Application stands disposed of.

(Shivaji Pandey, J)

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