

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16492 of 2020

Arising Out of PS. Case No.-113 Year-2017 Thana- KATEYA District- Gopalganj

ASHOK KUMAR SHRIVASTAVA Son of Late Jawahar Lal Resident of
Ladhpur, Bathua Bazar, P.S.- Phulwariya, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Yogesh Chandra Verma, Sr. Adv.
Mr.Javed Aslam, Adv.
For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 23-03-2022 Heard the learned counsel for the petitioner
and the learned A.P.P. for the State.

This is an application for grant of anticipatory
bail in connection with Kateya P.S. Case No. 113 of
2017 registered for the offence punishable under
Sections 420, 409, 467, 468, 471 and 120(b) of the
Indian Penal Code.

The case of the prosecution in brief, as per the
written report of the informant, Sri Jai Prakash
Tiwari, who is stated to be the Chairman of Bankati
PACS Block Panchdewari, is that an audit of the
PACS was conducted for the years 2008-2009 to
2014-2015 and it was found that the petitioner and



one other person, namely, Sudama Prasad Shrivastava, who were / are the PACS managers, had swindled a sum of Rs. 60 lacs approximately and thereafter, they are reported to have tampered with the evidence and during the course of audit, it was found that serious irregularities have been committed.

The learned Senior Counsel for the petitioner, Sri Yogesh Chandra Verma, has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned Senior Counsel for the petitioner has referred to the report of the Registrar, Cooperative Societies, Bihar, Patna, dated 18.11.2019 (Annexure-3 to the present petition) to show that the audit report of the aforesaid PACS for the year 2008-2015 has been found to be defective, hence, the learned Registrar has rejected the same. It is further submitted that similarly situated co-accused person, namely, Sudama Prasad Srivastava, has already been granted the privilege of anticipatory bail by a



coordinate Bench of this Court vide order dated 11.12.2019 passed in Criminal Miscellaneous No. 62561 of 2019.

The learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned Senior Counsel for the petitioner and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused person, namely, Sudama Prasad Srivastava, who has already been granted anticipatory bail by a coordinate Bench of this Court, apart from the fact that the learned Registrar, Cooperative Societies, Bihar, Patna, has not found the audit report in question to be reliable and has therefore directed for conduct of fresh audit, I deem it fit and proper to enlarge the petitioner above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of



a copy of this order, on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM X, Gopalganj in connection with Kateya P.S. Case No. 113 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is needless to state that the petitioner shall cooperate in the ongoing investigation and appear not only before the Investigating Officer of the present case, whenever required, but also before the learned court below on each and every date so fixed. In case of any default, the Investigating Officer shall be free to make an application before this Court for cancellation of the privilege of anticipatory bail, being granted to the petitioner.

(Mohit Kumar Shah, J)

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