

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36797 of 2022

Arising Out of PS. Case No.-276 Year-2018 Thana- UDWANTNAGAR District- Bhojpur

Dinesh Prasad Singh Son of Satya Narayan Singh R/o Village- Nawada Ben,
P.S.- Udwanthnagar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 21-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Udwanthnagar P.S. Case No. 276 of 2018, lodged under Sections
406, 409 & 420 of the Indian Penal Code.

As per the prosecution case, the petitioner has made
defalcation of Rs.7,26,965.50/- on the basis of which the present
case has been filed against the present petitioner who is the
Chairman of PACS.

Learned counsel for the petitioner submits that
petitioner had moved for anticipatory bail before this Hon'ble
Court, which was rejected by this Court, subsequently he had

deposited the deficit CMR amount of Rs.7,27,000/- by virtue of Annexure-3 in the cash credit account of Central Co-operative Bank, Ara on different dates. Learned counsel for the petitioner further submits that petitioner is innocent and under some confusion the said amount could not be deposited on time. He further submits that petitioner is in custody since 25.05.2022, charge sheet has already been filed in this case and antecedent of petitioner is clean.

Learned counsel for the State opposes the prayer for bail but simultaneously submits that alleged defalcated amount has been deposited by the petitioner as per Annexure.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Udwanthnagar P.S. Case No. 276 of 2018, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates

without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

The prosecution shall be at liberty to move for cancellation of bail of petitioner, in case the slip through which the petitioner is showing that amount has been deposited is found to be forge.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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