IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41315 of 2022

Arising Out of PS. Case No.-7 Year-2016 Thana- SHAMBHUGANJ District- Banka

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AJIT KUMAR S/O SITA RAM SINGH Resident of village- Vaidpur, P.S.- Sambhuganj, District- Banka

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Madan Mohan, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 12-12-2022 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 409, 420 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that petitioner being Manager of Pacs misappropriated government money to the tune of Rs. 3,69,000/- which was allotted for purchasing paddy.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that even an inquiry was conducted but from perusal of the inquiry report, it would manifest that the same is

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manipulated, it is next submitted that the allegation of defalcation is against the Chairman including the petitioner.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that money was allotted to the Pacs for purchasing paddy from the farmers but it appears that the petitioner along with the Chairman siphoned off the said amount for their own personal use.

Learned counsel for the petitioner rebuts the submission of the learned A.P.P and submits that petitioner is innocent and will cooperate in the investigation and will present himself as and when required by the Investigating Officer of the case. It is also submitted that the purpose of arrest is not to punish but to ensure that investigation is not hampered.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Shambhuganj P.S. Case No. 07 of 2016 subject to the conditions as laid down

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under Section 438 (2) of the Cr.P.C.

Further, in the event, if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that the petitioner despite giving an undertaking before this Court that he will cooperate in the investigation and will present himself as and when required by the I.O, is not cooperating in the investigation and is not appearing when called for, the learned Trial Court after giving an opportunity of hearing to the petitioner shall pass orders in accordance with law and shall also have liberty to cancel his bail bonds.

Learned Trial Court is directed to send a copy of this Order to the concerned P.S.

Further, if the investigating Officer after investigation submits charge sheet against the petitioner, then the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

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