

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52456 of 2021

Arising Out of PS. Case No.-151 Year-2020 Thana- GURUA District- Gaya

=====

BINOD KUMAR @ VINOD KUMAR SON OF RAM SAGAR SHARMA
R/O VILLAGE- ARPA, P.S.- HILSA, DIST.- NALANDA, RETIRED IV-
GRADE EMPLOYEE CUM THEN NAZIR, BLOCK OFFICER - GURUA,
PARENT DEPARTMENT, JOINT DIRECTOR (AGRICULTURE),
MAGADH DIVISION, GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Binod Kumar
For the Opposite Party/s : Mr.Dilip Kumar No. 1

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-01-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in virtual court

proceeding.

Let the defects, as pointed out by the office, be

removed within four weeks of start of normal functioning of the

physical court.

Petitioner seeks bail in connection with Gurua P.S.

Case No. 151 of 2020 registered for the offence punishable

under Section 409 of the IPC.

The case relates to misappropriation of government

money amounting to Rs. 20,72,660/-.

Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. It is further submitted that petitioner after completing the age of superannuation retired on 31.12.2017 and he handed over all the papers to the next incumbent. He further submits that the present FIR has been instituted on 10.07.2020 after lapse of more than two and half years of his retirement. He further submits that for the same offence, Certificate Case No. 01/2020-21 was also filed against the petitioner in which the petitioner has already appeared through an advocate. Petitioner is in custody since 02.08.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries one criminal antecedent.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-divisional Judicial Magistrate, Shergathi, Gaya in connection with Gurua P.S. Case No. 151 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

shahzad/-

U		T	
---	--	---	--

