

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71760 of 2021

Arising Out of PS. Case No.-260 Year-2019 Thana- RAGHOPUR District- Supaul

1. UDAY KUMAR Resident of Mohalla- Nayatol Sundarpur, P.O.- Lalbagh, P.S.- L.N.M.U., District- Darbhanga.
2. Ashnarayan Mahto Son of Ramjatan Mahto Resident of Jale West, Ward No. 11, P.S.- Jale, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh, Advocate
For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 02-08-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 407, 409, 420 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that Ganesh Kumar along with other co-accused persons, including the petitioners, embezzled Rs. 9,58,613.24 of the BISCOMAUN as they did not properly accounted for the fertilizer which was sent from BISCOMAUN to Kisan Seva Kendra set up at different places of the district. It is next alleged



that Ganesh Kumar has embezzled Rs. 7,52,142.24 of the BISCOMAUN and Baldev Ram embezzled Rs. 2,06,471/-.

Learned counsel for the petitioners submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that the allegation of embezzlement is specific against Ganesh Kumar and Baldev Ram, it is next submitted that Ganesh Kumar as already deposited Rs. 7,52,142.24/- to the BISCOMAUN through Cheque No. 634804 issued by the Syndicate Bank. Learned counsel next submits that since allegation of embezzlement was specific and the petitioner is alleged to have been an associate as such no direct allegation of embezzlement is against the petitioner. It is further submitted that Baldev Ram has been granted regular bail by the learned trial court, Ganesh Kumar has been granted anticipatory bail by this Court vide order dated 14.12.2021 in Cr. Misc. No. 19137 of 2021 and similarly situated co-accused Sanjay Kumar has also been granted anticipatory bail vide order dated 08.02.2021 in Cr. Misc. No. 38678 of 2020.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the



event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Raghapur P.S. Case No. 260 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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