

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 16882 of 2023

Arising Out of PS. Case No.-156 Year-2000 Thana- SURYAGARHA District- Lakhisarai

Vidya Saran Prasad Son Of Late Surya Bhushan Prasad R/O Mohalla/Vill.-
Puraniganj, P.S.- Sandalpur, Distt.- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ambrish Kumar Jha, Advocate

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 24-05-2023 Heard the learned counsel for the petitioner
and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Surajgarha (Manikpur) P.S. Case No.156 of 2000 (GR No.578 of 2000), registered for offence under Section 409 of the IPC.

The allegation is regarding one Medni Sao, Chowkidar, having attained the age of superannuation on 31.03.1995, nonetheless, he had continued to draw his salary from the concerned office, till the month of June 1997, thus having drawn salary illegally for the



period 31.03.1995 to 30.06.1997, totaling to a sum of Rs.55,926/-. It is further alleged that the petitioner was instrumental in making salary slip and enabling payment of the excess amount to the said Medni Sao.

The learned counsel for the petitioner 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 counsel for the petitioner has further submitted that the petitioner was temporarily posted at the place in question and he had prepared the pay bill on the basis of the absentee report sent to him with regard to Medni Sao, hence, he is not having any complicity in the matter. Nonetheless, it is submitted that the petitioner has come to know that the amount paid in excess to the said Medni Sao, has stood recovered.

Per contra, the learned APP 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 counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner is alleged to have only prepared the pay bill



on the basis of aforesaid absentee report sent to him, apart from the fact that it is the categorical averment of the petitioner that the amount paid in excess to the said Medni Sao has stood recovered, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Lakhisarai in connection with Surajgarha (Manikpur) P.S. Case No.156 of 2000 (GR No.578 of 2000), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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