

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14162 of 2023

Arising Out of PS. Case No.-764 Year-2022 Thana- TURKAULIYA District- East
Champaran

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ABHISHEK KUMAR S/O BIRENDRA PRASAD KASHYAP R/V-
THADWA NANDPUR, P.S.- BAIRIYA, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate
For the Opposite Party/s : Mr. Ramchandra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2023 Heard Mr. Krishna Kant Singh, learned counsel for the

petitioner and learned APP for the State.

The petitioner apprehends his arrest in connection
with Turkauliya (Banjariya) P.S. Case No. 764 of 2022 for the
offence registered under section 409 of the Indian Penal Code
lodged on 08.08.2022 by the informant, Sunil Kumar Gaur.

The prosecution case, in brief, is that the Block
Development Officer, Banjariya in his written complaint to the
S.H.O., Banjariya has stated that the Nazir, Abhishek Kumar
(Petitioner herein) who at present is posted at Paharpur was
posted at Banjariya Block for the last three years till one month
ago. The said Abhishek Kumar has taken away one T.V., Printer-
2 and (Nazir receipt, stock register) with himself other



documents and has not deposited in the N.R. receipt of about Rs. Six lakhs and the informant B.D.O. has requested to register the F.I.R. alleging that he has committed theft and defalcated of Rs. Six Lakhs.

Learned counsel for the petitioner with the help of paragraph-7 submits that he was transferred on 01.07.2022 from Sangrampur Block to Phenahara Block and later Banjariya Block. As he was directed to join immediately, he could not hand over the charge and thereafter this defalcation case was lodged which prevented him from visiting the old place of posting to handover the entire materials.

It has been submitted that he is ready to handover all the materials that has come on record and will get a certificate which will be submitted to the concerned Court where the case is pending.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that he left the place without giving charge of important materials which reflects from the FIR itself.

In view of the fair submission made by the learned Counsel for the petitioner, this Court is inclined to extend him privilege of provisional bail for a period of eight weeks from



today with condition.

In the meantime, he shall be visiting the office of the Block Development Officer, Banjaria, East Champaran and will take recourse of handing over all the materials and take certificate which will be submitted to the concerned Court within the said period of eight weeks.

If the concerned Court receives the said certificate of the petitioner, the provisional bail granted to him shall be confirmed.

If the petitioner fails to fulfill the same after eight weeks, steps be taken to bring him back to the judicial custody.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on provisional bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., East Champaran, Motihari in connection with Turkauliya (Banjariya) P.S. Case No. 764 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;



(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

The anticipatory bail application stands disposed of.

(Rajiv Roy, J)

Jagdish/Neha/-

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