

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28223 of 2023**

Arising Out of PS. Case No.-236 Year-2022 Thana- JAGDISHPUR District- Bhojpur

SRI KRISHNA CHANDRA KUMAR SON OF SRI BALIRAM PANDIT
VILLAGE- ARA PAKARI GAS AGENCY ROAD, GIRIJA MORE, PS-
ARA TOWN, DISTT- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra, Advocate

For the Opposite Party/s : Dr. Mrityunjaya Kr.Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

- 2 25-07-2023 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420, 467, 468, 471 and 120B of the Indian Penal Code.
3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that an amount of Rs. 2,39,52,711/- has been withdrawn from the CFMS and entries regarding the withdrawal have not been made in relevant registers, on inquiry, the petitioner, being Data Entry Operator in the CFMS, confessed his crime, further, the withdrawal was also not mentioned in the cash book.
4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the present case, it is next submitted that though it is alleged that petitioner accepted his guilt, but then he was made to accept the guilt under duress, it is also submitted that petitioner belongs to a reputed family and has property and thus will repudiate the amount which is alleged to have been defalcated. It is next submitted that till date the petitioner has already deposited an amount of Rs. 76,40,000/- in the office of the Executive Engineer, Jagdishpur and the rest of the amount shall be deposited by the 30th March, 2024.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner, but very fairly submits that in the event if the petitioner is sent to custody in that event the department will lose its money and if the informant is able to prove the case, at best, the petitioner will serve his sentence, but the defalcated amount will never come back, as such submits that in view of the submissions made by the learned counsel for the petitioner, the prayer for anticipatory bail, for the present, is not being opposed.

6. 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 **Provisional 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 Jagdishpur P.S. Case No. 236 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that if the petitioner by 30.03.2024 does not submit details of the deposit, as agreed, in that event the learned Trial Court shall forthwith cancel his bail bonds and shall take all coercive steps to ensure that petitioner is behind bars.

8. It is also made clear that in the event, if the amount is deposited, the learned Trial Court shall forthwith confirm the provisional bail of the petitioner on the same terms and conditions.

(Satyavrat Verma, J)

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