

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31777 of 2023

Arising Out of PS. Case No.-540 Year-2015 Thana- LAHERIYASARAI District- Darbhanga

SAROJ KUMAR MISHRA S/o Balkeshwar Mishra @ Baleshwwar Mishra
R/o Vill-Adharpur, P.S.-Ghanshyampur, Dist.-Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shubhesh Pandey, Advocate Mr. Shivendra Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-06-2023 The present petition is by way of second attempt at the behest of the petitioner for grant of bail in connection with G.R. No. 2362 of 2022, arising out of Laheriyasarai P.S. Case No. 540 of 2015, for the offences registered under Sections 406, 409, 467, 468 and 471 of the Indian Penal Code inasmuch as the earlier petition filed by the petitioner for grant of bail i.e. Criminal Misc. No. 8146 of 2022 was permitted to be withdrawn by this Court by an order dated 30.01.2023, with liberty to the petitioner to renew his prayer for bail after framing of charges by the learned trial court.

The case of the prosecution is that the co-



accused person, namely, Sagar Kumar Rai who was then posted as Nazir at the District Welfare Office, Darbhanga, under conspiracy with the co-accused persons including the petitioner herein had made false and fabricated documents as also had put fabricated signature and had transferred government money in his bank account as also the said government money was transferred in the account of the petitioner, totalling to a sum of Rs. 2.5 crores approximately.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 05.12.2021. The learned counsel for the petitioner has further submitted that the charges have already stood framed on 16.03.2023 and the main accused person i.e. the Nazir, namely Sagar Kumar Rai has already been granted the privilege of anticipatory bail by a coordinate Bench of this Court vide order dated 29.04.2016 passed in Criminal Misc. No. 5061 of 2016. The learned



counsel for the petitioner has lastly submitted that the petitioner has got no concern with the alleged occurrence and it is the co-accused person, namely, Sagar Kumar Rai who was then posted as Nazir, who is the main accused in the present case.

Per contra, the learned A.P.P. 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 petitioner and taking into account the materials available on record as also considering the fact that the petitioner is not a government official, he is having a clean antecedent and the main accused namely Sagar Kumar Rai has already been granted the privilege of anticipatory bail by a coordinate Bench of this Court, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to 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 learned C.J.M., Darbhanga in connection with
G.R. No. 2362 of 2022 arising out of Laheriyasarai
P.S. Case No. 540 of 2015.

(Mohit Kumar Shah, J)

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