

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47821 of 2023**

Arising Out of PS. Case No.-8 Year-2016 Thana- DESARI District- Vaishali

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LAKSHMAN MAHTO S/O LATE KUSHESHWAR MAHTO R/O  
MOHALLA- ASHOK NAGAR, ROAD NO. 14- B, HOUSE NO. 14/56,  
EAST GALI NO. 01, PS. KANKARBAGH, DIST. PATNA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. THE SUPERINTENDENT, VIGILANCE DEPTT., MUZAFFARPUR  
BIHAR, MUZAFFARPUR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Anish Kumar, Advocate  
For the Opposite Party/s : Mr.Dr. Indihar Kumari, APP  
For the Vigilance : Mr. Rana Vikram Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      11-08-2023                      Heard Mr. Anish Kumar, learned counsel for the  
  
petitioner and Mr. Rana Vikram Singh who represents the  
  
vigilance.

The petitioner apprehends his arrest in connection  
with Desari (Sahdai O.P.) P.S. Case No.08 of 2016 instituted  
under Sections 406, 420, 409, 467, 468, 471, 472, 120(B) of the  
IPC and Section 13(2), 13(1)(a) of Prevention of Corruption Act  
lodged on 14.01.2016 by the informant Ajit Kumar Tiwary.



As per the prosecution story, the allegation is that one Shri Awadhesh Singh misappropriated Rupees three lacs of Asha Kumari, ANM worker and Rupees eight lacs of Anju Kumari, another ANM worker from their Provident Funds and in the process, misappropriated the aforesaid amount. Accordingly, the FIR.

Initially the FIR was lodged against Shri Awadhesh Singh alone but later the name of the petitioner cropped up, he being the then Deputy Manager of the State Bank of India, Cinema Road Branch, Hajipur, Vaishali.

Learned counsel for the petitioner straight away has taken this Court to paragraph-22 to show that the said Awadhesh Singh deposited the entire amount (Rs.12,00,000/-) followed which he was granted anticipatory bail.

Learned counsel for the petitioner submits that he was unaware of his implication in the case and only when on 10.01.2023, the Vigilance Department issued him a notice, he initiated the process of getting an anticipatory bail. The last submission that he is a retired Bank Officer having unblemished career and is ready to cooperate in the trial.

Learned counsel for the vigilance opposes the prayer for anticipatory bail but concede that the main accused



Awadhesh Singh has since been granted anticipatory bail on the ground that Rs.12,00,000/- has been deposited.

Considering the aforesaid facts, the submission put forward by the petitioner as also that the amount in question has been deposited by Awadhesh Singh, he do not have criminal antecedent was a Deputy Manager of the State Bank of India, is ready to cooperate in trial, this Court is inclined to grant him privilege of anticipatory bail.

Let the petitioner be released on anticipatory bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Desari (Sahdai O.P.) P.S. Case No.08 of 2016 to the satisfaction of learned Special Judge, Vigilance, North Bihar, Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

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

(ii) the petitioner will make himself available to the police as and when required in course of investigation;



(iii) 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/her bail bond by the Trial court itself;

(iv) 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;

(v) 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.

**(Rajiv Roy, J)**

Prakash Narayan

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