

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48675 of 2023

Arising Out of PS. Case No.-186 Year-2013 Thana- BIHAR District- Nalanda

BENJAMIN SOREN Son of Babu Lal Soren Resident of village - Daldali,
P.S. - Muffasil, Distt. - Godda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar Jha

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 31-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present case has been instituted for the offence
punishable under Sections 409/420 of the Indian Penal Code.

3. As per prosecution case in brief is that while the
petitioner was working as IInd Class Clerk, in account section in
the office of the Police Headquarter, Nalanda, he committed
cheating and misappropriation of the public property by way of
getting the amount of Sixth Pay Commission worth Rs. 82,148/-
related to one retired employee Sachidanand Singh transferred
in his S.B.I. account for malicious intention. It was further
alleged against the petitioner that amount of Sixth Pay
Commission related to some other retired employees were also
transferred by him in his S.B.I. account no. 11057540317, S.B.I.



account no. 30732117613 and S.B.I. no. 31746246640 of one Simon Petermin by misusing his post. It is further allegation against the petitioner is that he misappropriated total amount of Rs. 6 lakh (approx) of the Government fund.

4. It is submitted by learned counsel for the petitioner that petitioner is ready to return an amount of Rs. Six lakh (Rs. 6,00,000/-) in the official account of S.P., Nalanda.

5. Learned counsel for the petitioner further submitted that the petitioner will deposit Rs. 1 lakh (1,00,000/-) in the official account of S.P., Nalanda, within one week after releasing on **Provisional bail**.

6. The rest amount i.e., Rs. Rs. 5,00,000/- (Five Lakh) will be deposited by the petitioner in the official account of S.P., Nalanda in four equal installments in every consecutive months and each installment will be of Rs. 1,25, 000/- (One lakh and twenty five thousand).

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on **provisional bail**. The above named petitioner is directed to be enlarged on **provisional bail** on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like



amount each to the satisfaction of the learned Court below in connection with Bihar P.S. Case No. 186 of 2013.

8. This application stands disposed off, with a direction to the trial Court to confirm the **provisional bail** granted to the petitioner only after ensuring that the petitioner has deposited the entire amount i.e. Rs. 6 lakh, which was agreed by him before this Court.

9. The aforesaid payment will be the subject to final adjudication.

(Sunil Kumar Panwar, J)

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