

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61294 of 2023**

Arising Out of PS. Case No.-533 Year-2016 Thana- GOPALGANJ TOWN District-
Gopalganj

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MD. ABDUL GAFFAR SON OF MD. ISLAM RESIDENT OF VILLAGE -
JAGURAHA, P.O. - GHORASAHAN, P.S. - GHORASAHAN, DISTRICT -
EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shive Kumar

For the Opposite Party/s : Mr.Ashok Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 11-10-2023 Heard the learned counsel for the petitioner and the learned

A.P.P. for the State.

2. This is an application for grant of anticipatory bail in connection with Gopalganj Town P.S. Case No. 533 of 2016 registered for the offence punishable under Sections 406 and 409 of the Indian Penal Code.

3. The allegation is regarding the petitioner having been appointed on contract basis in the Electricity Company and while he was posted at Gopalganj and was entrusted with the job of revenue collection, he had deposited part amount of the money collected by him, i.e. to the tune of Rs. 12,110/-, however, had misappropriated a sum of Rs. 22,214/-.

4. The learned counsel for the petitioner submits that the



petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner has already deposited the deficit amount of Rs. 22,214/-, vide receipt dated 10.1.2020, which is annexed as Annexure-2 to the present petition and in fact, on account of certain confusion, the entire amount could not be deposited by him earlier. Thus, it is submitted that the petitioner be granted the privilege of bail.

5. Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, taking into account the materials available on record as also considering the fact that the petitioner has already deposited the deficit amount, as aforesaid, apart from the fact that he is having a clean antecedent, though I deem it fit and proper to direct for release of the petitioner on anticipatory bail, however, subject to verification of the fact as to whether he has or he has not been declared an absconder and further subject to such other conditions as may be deemed fit and proper to be imposed by the learned Court of Chief Judicial Magistrate,



Gopalganj in connection with Gopalganj Town P.S.Case No. 533 of 2016, for the purposes of grant of anticipatory bail.

7. The present petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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