

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5055 of 2023

Arising Out of PS. Case No.-432 Year-2011 Thana- SAHARSA SADAR District- Saharsa

SHYAM KUMAR VERMA @ S. K. VERMA Son of Late Deoki Nandan
Prasad R/o Jay Prabha Nagar Kayastha Tola, P.S.- Saharsa, District- Saharsa

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Yogesh Chandra Verma, Sr. Adv. Mr. Satish Kumar Singh, Adv. Mr. Dinesh Maharaj, Adv.
For the Opposite Party/s :	Mr. Dilip Kumar No.1, APP. Mr. Bidhan Chandra Jha, Adv. Mr. Bal Krishna Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 24-06-2023 Heard the parties.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 409, 420, 120(B) of the Indian Penal Code.

Allegedly, petitioner, along with other accused persons, has defalcated an amount of Rs. 71,200/- as per pass book and when the money was matured, the complainant went to the said office and came to know that all the officers and staff have left the place.

It is submitted by learned senior counsel for the petitioner that petitioner is quite innocent and has committed no offence. Petitioner was Chief Executive Officer of the



Central Bank Employees Saving & Credit Self Support Co-operative Society Ltd. for a short period from 20.11.2004 to 25.09.2005. He has resigned from the Society on 25.09.2005, as mentioned in Para 11 of the bail application. He is aged about 81 years and has been suffering from different diseases. Petitioner has unblemished service record of a long period about 35 years.

It is further submitted that the aforesaid society has already been dissolved by the order of the Hon'ble Court and in this respect, Gazette Notification was issued vide Annexure-6 and the District Magistrate, Supaul has been appointed as liquidator. The petitioner has been made accused in another case lodged by different depositor with similar allegation, in which, the petitioner has been granted anticipatory bail by co-ordinate bench of this Court vide order dated 21.07.2017 passed in Cr. Misc. No. 27990 of 2017. Petitioner has four criminal antecedents as mentioned in para-3 of this application and all the cases are identical to the present case.

Learned APP for the State opposed the prayer for bail and submitted that this case is of the year 2011. He further submitted that earlier anticipatory bail of this petitioner has been rejected by learned Court below vide order dated 04.09.2015 passed in



ABA-No. 671/2015. Therefore, he does not deserve anticipatory bail.

Having regard to the facts and circumstances of the case and considering the age of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Saharsa Sadar P.S. Case No. 432 of 2011, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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