

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.870 of 2023

Arising Out of PS. Case No.-258 Year-2022 Thana- ADAPUR District- East Champaran

Ashish Kumar Mishra Son Of Sri Amar Nath Mishra R/O Village- Dih,
Dandari, P.S.- Singra Mau, District- Jaunpur, Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan

For the Opposite Party/s : Mr. Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 02-05-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420, 409 and 34 of the Indian Penal Code.

Allegation against the petitioner and other is that they have withdrawn the amount of Rs. 54,64,809/- under 15th Finance Commission Scheme.

Learned counsel for the petitioner submits that no such occurrence as alleged ever took place. He has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He further submits that a counter affidavit has been filed on behalf of the District Magistrate, East Champaran (Motihari), in which in para-7 it is stated that while the matter was under



enquiry Rs. 43,92,043/- was returned/deposited in the account of Panchayat Samiti. It was reported that work against rest of amount i.e. Rs. 10,72,766/- was under progress which has been completed. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposes prayer for anticipatory bail.

Considering the facts and circumstances of the case and the statement made in para-7 of the counter-affidavit, 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 Adapur P.S. Case No. 258 of 2022 (G.R. No. 934/2022), subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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