

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21738 of 2024

Arising Out of PS. Case No.-522 Year-2022 Thana- BARAUNI District- Begusarai

Mantun Sharma S/O Bajo Sharma Village- Baluara, P.S. Barauni, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 04-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Barauni P.S. Case no.522 of 2022 registered under sections 409 and 420 of the Indian Penal Code.

3. As per the prosecution case, in the Audit Report conducted by the cooperative, it is stated that different amounts were found due from different persons and so far as the petitioner is concerned, an amount of Rs. 92,517.66 was found due.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. It is submitted that without going into the merits of the allegations as levelled against the petitioner in the FIR and without prejudice to his defence in the criminal case as also the case of the prosecution,



the petitioner is ready to deposit Rs. 92,517.66 which according to the petitioner is the amount due even as per the demand notice contained in memo no.952 dated 16.9.2022 issued under the signature of the District Cooperative Officer, Begusarai. It is submitted that the petitioner has made a categorical statement in paragraph no.12 of the petition to that effect. The petitioner is in custody since 15.9.2023 and the case involves primarily dispute relating to money/accounting which is already in possession of the prosecution with submission of the charge-sheet. The petitioner has no criminal antecedent.

5. The application for bail is opposed by learned A.P.P for the State.

6. Having heard learned counsel for the parties, the contents of paragraph no.12 of the petition filed by the petitioner in this Court is reproduced hereinbelow for ready reference :-

“12. This it is humbly submitted that the case of the informant is based upon the demand notice dated 16.09.2022 and the demand notice is also the part of the FIR. Therefore the petitioner undertakes before this Hon’ble Court to deposit of Rs. 92517.66 for the ends of justice and the petitioner deserve to be released on bail.”



7. Having heard learned counsel for the parties, in view of the allegations against the petitioner in the FIR, the contents of the letter dated 16.9.2022 of the District Cooperative Officer, Begusarai, the petitioner being in custody for 6 months since 15.9.2023 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Barauni P.S. Case no.522 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai on the following conditions :-

(I) Within two months of his release, the petitioner will deposit the aforesaid sum of Rs. 92,517.66 in the office of the District Cooperative Officer, Begusarai and file a copy of the receipt thereof in the learned Court below.

(II) In case the petitioner is unable to deposit the aforesaid amount in the office of the District Cooperative Officer, Begusarai for any reason whatsoever, the petitioner shall deposit the said amount in the *Nazarat* of the Civil Court, Begusarai which will be subject to the result of the criminal case.

(III) In case the aforesaid directions are not complied



with by deposit of the above amount, the learned trial Court will
proceed to cancel the bail bond of the petitioner and take him
into custody.

(Partha Sarthy, J)

Shiv/-

U		T	
---	--	---	--

