

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48967 of 2024

Arising Out of PS. Case No.-82 Year-2023 Thana- BATH District- Bhagalpur

Rahul Kumar Roy S/o Late Jai Shankar Roy R/o vill - Halkrachak, P.S. -
Bath, Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Md. Najmul Hodda, Advocate
For the State : Dr. Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 18-09-2024 Heard learned counsels for the parties.

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

3. As per prosecution case, this petitioner is alleged to have illegally withdrawn a sum of Rs. 2,68,535/- and thus embezzled the said amount.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is innocent and has been falsely implicated in this case. As a matter of fact, at the relevant time, petitioner was Mukhiyan of the Panchayat and he has already deposited a sum of Rs. 48,530/-. It is further submitted that at this stage, without admitting his guilt, petitioner is ready to deposit the disputed amount amounting to Rs. 2,20,005/-



(Rupees two lacs twenty thousand and five only), in easy installments.

5. Considering the aforesaid facts and circumstances, prayer for grant of anticipatory bail to the petitioner is allowed.

6. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st, Bhagalpur, in connection with Bath P.S. Case No. 82 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, along with the following terms and conditions:

- A. At the time of furnishing bail-bond **Rs. 1,00,000/-** (Rupees one lakh) shall be deposited through cash in the *Nazarat* of the Civil Court, Bhagalpur.
- B. Rest amount i.e. **Rs. 1,20,005/-** (Rupees one lakh twenty thousand and five) shall be deposited in the *Nazarat* of Civil Court, Bhagalpur, in two equal installments within a period of six months from the date of furnishing bail-bond.
- C. The aforesaid payment shall be subject to the final outcome of the case.
- D. If petitioner fails to comply the aforesaid direction of this Court, the Court below is free to cancel the bail-bond of the petitioner.



7. It is made clear that without going into the merit of the case, the aforesaid order has been passed only for the purpose of grant of bail.

(Prabhat Kumar Singh, J)

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