

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61616 of 2023

Arising Out of PS. Case No.-249 Year-2022 Thana- PANDAUL District- Madhubani

1. DHRUV NARAYAN MISHRA SON OF VASHISHT MISHRA RESIDENT OF VILLAGE - SOHRAI, P.S. - SAKARI, DISTRICT - MADHUBANI
2. HAIDER ALI @ MD HAIDER ALI SON OF LATE MD. ZAMIRUDDIN RESIDENT OF VILLAGE - BHITHI SUNDARPUR, P.S. AND DISTRICT - MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 05-03-2024 Heard Mr. Ashok Kumar, learned counsel for the petitioners as well as Mr. Dilip Kumar No.1, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Pandaul P.S. Case No.249 of 2022, registered for the offence punishable under Sections 420, 406, 467, 504, 120B, 34 of the Indian Penal Code.

3. Allegedly, the petitioners are said to have embezzled Rs.2,16,706/- cash and Rs.93,61,071/- from loan of jyoti sakha. They have also theft the accounts, public documents of the bank and computer set, printers, etc.



4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. He submits that by the previous order of the case passed by a co-ordinate Bench of this Court, the concerned S.P. was directed to file a counter affidavit and the same has been filed by him, in which he has stated that the informant and witnesses are not alive anymore. Hence, it is not proved that the petitioners had theft money from public but the investigation is still going on. Petitioners have no criminal antecedent, which is also mentioned in para-3 of the bail application.

5. Learned APP for the State opposed the prayer for anticipatory bail by submitting that there is specific allegation against the petitioners to embezzle the funds of public.

6. Having regard to the facts and circumstances of the case as this is not a fit case for anticipatory bail, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

7. Accordingly, this application is dismissed.

8. However, if the petitioners surrender before the learned Court below within a period of six weeks from today and seek



for regular bail, the learned Court below shall pass the order on
the same day in accordance with law.

(Anjani Kumar Sharan, J)

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