

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64628 of 2023

Arising Out of PS. Case No.-21 Year-2023 Thana- HATHAURI District- Muzaffarpur

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AJIT KUMAR S/o Gopal Pandey @ Gopal Jee Sharma Resident of Vilage-
Bhado, P.S.-Aurai, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Vimla Kumari, W/o Vishnudeo Prasad posted as (A.N.M.) Swasthya
Up Kendra, Hathauri, P.S.- Hathauri, District- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate
For the Opposite Party No. 2 : Mr. Aditya Deo, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 27-02-2024 Heard Mr. Hari Kishore Thakur, learned counsel for

the petitioner and Mr. Aditya Deo, learned counsel appearing on

behalf of the opposite party no. 2.

2. The petitioner is apprehending his arrest in
connection with Hathauri P.S. Case No. 21 of 2023 for the
offence under sections 120(B), 379, 406, 408, 409 and 420 of
the I.P.C. lodged on 07.02.2023 by the informant, Santosh
Kumar.

3. As per the prosecution story, the allegation is that
the petitioner while posted in the Branch Post Office, Hathauri,
Khanpur siphoned off the amount of the opposite party no. 2 to
the extent of Rs. 2,40,000/-. When it came to notice and he was
asked to deposit the same, as he failed to do, the complaint.



4. In this case, pursuant to the notice issued to the opposite party no. 2 on 17.10.2023 by a co-ordinate Bench, the opposite party no. 2 had appeared.

5. Mr. Aditya Deo, learned counsel appearing on behalf of opposite party no. 2 has acknowledged that the amount has been returned by the petitioner to the account of the opposite party no. 2.

6. Taking into account the submissions put forward by the learned counsel for the parties as also the fact that he do not have criminal antecedent, is in service and it would be futile sending him jail, FIR lodged and ultimately, will have to face the trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned J.M. 1st Class, Muzaffarpur, East, in connection with Hathauri P.S. Case No. 21 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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