

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67145 of 2023

Arising Out of PS. Case No.-117 Year-2023 Thana- SIWAIPATTI District- Muzaffarpur

Maheshwar Prasad Yadav @ Maheshwar Rai S/O Late Ramnarayan Rai R/O
Village- Paigambarpur, P.S- Siwaipatti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
For the State : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 07-03-2024 Heard Mr. Ajay Thakur, learned counsel for the

petitioner and Mr. Bhanu Pratap Singh, learned APP for the

State.

2. The petitioner is apprehending his arrest connection with Siwaipatti P.S. Case No. 117 of 2023, F.I.R. dated 12.06.2023 registered for the offences punishable under Sections 406, 420/34 of the Indian Penal Code.

3. Allegation against the petitioner is of embezzlement of more than one Crore rupees of Paigambarpur PACS. The accused petitioner was the Secretary of the PACS and also the Manager of the Cooperative Bank of the PACS in which the said amount was deposited.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the



present case. He further submits that the allegation as alleged in the F.I.R. that petitioner has misappropriated of Rs. 1,15,99,254/- (Rs. One Crore Fifteen Lakhs Ninety Nine Thousand and Two Hundred Fifty Four only). Learned counsel for the petitioner further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the petitioner has already resigned from the post of Secretary of the said PACS in the year 2015 itself and thereafter the petitioner has also deposited Rs. 1,96,779/- on 12.07.2016 itself and thereafter the petitioner has no concern at all with the present PACS or its affairs and the present F.I.R. was instituted in the year 2023 arising therein that the Ex-Chairman-cum-Secretary has not handed over amount which was deposited in the PACS. Learned counsel for the petitioner that earlier the petitioner has also been made accused in connection with Siwaipatti P.S. Case No. 78 of 2016 for the same set of allegation and the petitioner has already been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 01.05.2017 in Cr. Misc. No. 2445 of 2017 and it appears from the audit report of the PACS which was enclosed along with the present F.I.R. and from perusal of



the audit report which does not suggest that any amount in in hand of the petitioner.

5. Learned APP for the State, on the other hand, on the basis of material available on record as well as case diary and opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner along with other co-accused persons have committed the crime in question and as per audit report in the year 2021-22 a total amount of Rs. Rs. 1,15,99,254/- (Rs. One Crore Fifteen Lakhs Ninety Nine Thousand and Two Hundred Fifty Four only) was measured and it is submitted that in fact the petitioner has already resigned from the post in question in the year 2016 itself.

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, West, Muzaffarpur in connection with Siwaipatti P.S. Case No. 117 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following



conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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