

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4744 of 2024

Arising Out of PS. Case No.-300 Year-2022 Thana- PARIHAR District- Sitamarhi

Md. Shamshul @ Shamshul Hoda @ Shamshul Hoda Mansoori S/O Abdul
Hakim Mansuri R/O Village- Jhapaha, P.S- Parihar, Distt.- Sitamarhi.

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Brahmdeo Sah S/O Late Pritam Sah R/O Village- Parihar, P.S- Parihar,
Distt.- Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dinesh Jha, Advocate
For the Opposite Party/s	:	Mrs. Renu Kumari, APP
For O.P. No. 2	:	Mr. Ram Niwas Ray, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 06-05-2024 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for O.P. No.2. Perused
the case diary.

2. The petitioner seeks bail in Parihar P.S. case No.
300 of 2022 instituted for the offences under Sections 406, 409,
420, 504, 506 and 34 of the Indian Penal Code.

3. Prosecution allegation, in short, is that the petitioner
has misappropriated a sum of Rs. 12,10,000/- which was given
by the informant for recurring deposit in the post office. When
the informant demanded for return of the said money, the
accused persons including the petitioner abused and threatened
the informant.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner submits that no date has been mentioned by the petitioner as to how and when he deposited the amount of Rs.12,10,000/-. Learned counsel for the petitioner further submits in course of investigation, no documentary evidence is available to support the factum of misappropriation of the aforesaid amount. The petitioner is in custody since 10.08.2023 and has three criminal antecedents. Co-accused have been granted anticipatory bail by a Bench of this Court vide order dated 14.07.2023 passed in Cr. Misc. No. 30047 of 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted that huge amount was misappropriated by the petitioner. Learned A.P.P. has submitted that in his restatement, the petitioner has stated that he will repay the same at his house. Further referring to the statement of the witness made in paragraph 20 of the case diary, learned APP has submitted that the Postmaster has verified and found that no amount has been credited in the said account.

6. Learned counsel for the informant, referring to



statement made in the counter affidavit filed on behalf of the informant, has submitted that the petitioner has misappropriated the huge amount and he does not deserve the privilege of bail. He further submits that cognizance has also been taken by the Court below.

7. Considering the aforesaid facts and circumstances of the case, period of custody undergone by the petitioner and that charge-sheet has been submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Parihar P.S. case No. 300 of 2022, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) The petitioner will not hamper the trial or temper



with any prosecution evidence. If he is found involved in such incidence, the prosecution shall have liberty to take steps for cancellation of bail granted to the petitioner.

(Rudra Prakash Mishra, J)

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