

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46393 of 2015

- =====
1. Pawan Kumar son of Manikant Jha resident of village- Bathaili, P.S.- Barharakothi, District- Purnea
 2. Manikant Jha son of Late Gulab Sunder Jha, Headmaster, Primary School Thekpura, P.s.- Raniganj, District- Araria
- Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 06-11-2015

Heard.

The present application has been filed for modification of the order dated 15.07.2014 passed in Criminal Miscellaneous No.2529 of 2014 for modification of the condition of deposit of Rs.3,23,000/- before the learned court below and extending the period of surrender.

The petitioners were granted anticipatory bail vide order dated 15.07.2014 passed in Criminal Miscellaneous No.2529 of 2014 by a co-ordinate bench of this Court (now retired) in Complaint Case No.1880 of 2011 wherein process was directed to be issued after cognizance being taken under sections 420 and 406 of the Indian Penal Code.

The basic accusation was of misappropriating the amount allotted for the construction of the school building by the petitioners being headmasters during the relevant time.



It is submitted by learned Sr. Counsel for the petitioners that though earlier petitioners filed Criminal Miscellaneous No.41699 of 2014 for modification of the initial order dated 15.07.2014 passed in Criminal Miscellaneous No.2529 of 2014 whereby the petitioners were granted anticipatory bail but the same was dismissed vide order dated 11.12.2014 in Criminal Miscellaneous No.41699 of 2014 by the same co-ordinate bench, who passed the initial order. But since in the departmental proceeding, it was found that the complainant being one of the headmasters of the school, held responsible and the said amount has been recovered from the complainant. It is further submitted that the petitioners have already paid Rs.3,23,000/- to the complainant and thereafter the complainant entered into compromise with the petitioners. Hence, the present application has been filed.

Considering the conditions of the initial order and the subsequent modification application being dismissed, this Court is not inclined to entertain the present application. But keeping in view of the fact that the petitioners have now retired, and the recovery has been made from the complainant, who has already entered into compromise with the petitioners, it is a case for consideration of prayer for

regular bail.

Let the learned Court below consider the prayer for regular bail of the petitioners, if the petitioners surrender within a period of six weeks in connection with Complaint Case No.1880 of 2011, pending before the learned Judicial Magistrate, 1st Class, Araria.

With the above observation, this application is, accordingly, disposed off.

Ashwini/-

(Dinesh Kumar Singh, J)

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