

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23217 of 2015

Arising Out of PS.Case No. -404 Year- 2012 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Vibhishan Prasad @ Vibhishan Prasad Yadav S/o Late Ramanand Prasad Resident of village - Mathiya Bhopat, P.S. Lakhaura, Distt. - East Champaran
2. Ramnath Prasad S/o Late Satya Narayan Resident of village - Murtiya, P.S. Adapur, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Rampravesh Prasad S/o Jaymangal Prasad Resident of vill. - Fulwar, P.S. Lakhaura, Distt. - East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Binod Kr. 3(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 21-08-2015

Heard learned counsel for the parties.

So far as petitioner no. 1 is concerned, his application for grant of anticipatory bail has already been dismissed vide order dated 24.06.2015 of this Court, as having become infructuous

Having regard to the nature of allegation against the petitioner for offence under Sections 120B, 420 and 468 of the Indian Penal Code and that there is some sort of acrimony between the rival teachers of the school with regard to taking over charge of the post of headmaster, this Court, taking into account that the petitioner no. 2 was the ex-headmaster who had given charge to the petitioner no. 1 in place of the complainant, would be definitely entitled for privilege of

anticipatory bail because the complainant in the complaint petition has not even mentioned a word as to whether the petitioner no. 2 had made any misappropriation of any fund entrusted to him.

In that view of the matter, since the petitioner no. 2 has also got no criminal antecedent, this Court would be inclined to grant anticipatory bail to him.

That being so, if the petitioner no. 2, namely, Ramnath Prasad surrenders before the court below within a period of four weeks from today, he shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Sikarahana at Motihari East Chamapran in connection with Complaint Case No. 404 of 2012 T.R. No. 5829 of 2014; subject to the following conditions:

- (i) That both the bailors will be close family relatives of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the affidavit shall clearly state that the petitioner is not accused in any other case and if he is, he shall not be released on bail.
- (iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any other case of similar nature after his

release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of his bail on the ground of misuse.

(iv) That the petitioner will be well represented on each and every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

Sujit/-

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