

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16056 of 2015

Arising Out of PS.Case No. -27 Year- 2012 Thana -BETTIAH TOWN District-
WESTCHAMPARAN(BETTIAH)

=====

Anand Prakash Verma, Son of Late Chandeshwari Prasad Verma, the then
District Welfare Officer, Bettiah, District-West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Naresh Dikshit, Advocate.

For the Opposite Party : Mr. Rajendra Prasad Nat (App)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

10 21-11-2016

Heard both sides.

The petitioner apprehends his arrest in Bettiah Town P.S.
Case No. 27 of 2012 registered for the offences punishable under
Sections 467, 468, 471, 420, 406, 409, 120B and 34 of the Indian Penal
Code.

The gist of the allegation is that during the period 2006-09,
scholarship to the students belonging to backward category were paid
through account payee cheques but, the same were issued to the bearers
and after making interpolation in the aforesaid cheques, to the tune of
Rs. 37,41,060/- was misappropriated by Praduman Kumar Prasad,
Nazir of the District Welfare Office, Bettiah.

Shri Naresh Dixit, learned counsel for the petitioner submits
that the petitioner was posted as District Welfare Officer, Bettiah
during the relevant time. He was transferred to Sitamarhi on the same
post after June, 2010. The petitioner has already been superannuated.



The petitioner was not made accused in the aforesaid case. Praduman Kumar Prasad was departmentally proceeded and he was held guilty. An order has also been issued for recovery of the entire misappropriated amount from Praduman Kumar Prasad in the year 2016. Learned counsel for the petitioner further submits that Praduman Kumar Prasad has already been enlarged on anticipatory bail vide order dated 27.08.2012 passed in Cr. Misc. No. 14420 of 2012, on the ground that the cheques were issued by the issuing clerk after stamping as account payee but, the issuing clerk did not stamp the cheques. It is further submitted that during course of investigation, no material has come against the petitioner.

It appears from perusal of the records and after hearing learned APP who is assisted by the present District Welfare Officer, Bettiah, West Champaran that it was Praduman Kumar Prasad who is solely responsible for misappropriation of the entire amount. It appears that there is a procedure for payment of cheques to the students as scholarship amount. The petitioner was District Welfare Officer and the scholarship amount was to be paid through account payee cheques and it was the petitioner who was to put signature on each and every cheque crossing the same as account payee cheque or it should have been embossed as account payee cheque before the petitioner put his signature. The petitioner neglected this part of his duty and that is why the Nazir Praduman Kumar Prasad made interpolation in all the 34 cheques and misappropriated Rs. 37,41,060/- and withdrew the entire

amount identifying the persons in whose favour the cheques were issued.

Considering the facts aforesaid and the fact that since Praduman Kumar Prasad has already been enlarged on anticipatory bail who is the kingpin of the scholarship scam even after tenure of the petitioner, the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bettiah, West Champaran in Bettiah Town P.S. Case No. 27 of 2012, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

KKSINHA/-

(Prabhat Kumar Jha, J.)

U		T	
---	--	---	--