

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14028 of 2016

Arising Out of PS.Case No. -11 Year- 2016 Thana -DAUDNAGAR District- AURANGABAD

1. Yogendra Kumar (Clerk) S/O Jagdip Singh @ Deepa Singh Balika
Uchch Vidyalay Patharkatti, P.s.- Daudnagar, District- Aurangabad
..... Petitioner

Versus

1. The State of Bihar
..... Opposite Party

Appearance :

For the Petitioner/s : Mr. Amarendra Kumar Singh

For the Opposite Party/s : Mr. C.Sen Prasad Singh (App)

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 18-04-2016 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Daudnagar Police Station Case No. 11 of 2016,
disclosing offences under Sections 409, 420, 467, 468, 471
of the Indian Penal Code.

The petitioner is said to have defalcated a sum
of Rs. 2,30,000/-, which was made available to Balika
Uchch Vidyalaya, Patharkatti, in connivance with the
Principal of the School. The said amount was released for
distribution amongst meritorious girl candidates, who had
secured first class in matriculation examination.

Learned Counsel appearing on behalf of the
petitioner submits that the allegation is of misappropriating



fund released for the financial year 2015-16; whereas, the Board examination for 2016 was not even held on the date of lodging of the First Information Report. In any view, he submits that 19 girl candidates who had passed the matriculation examination with first class in the year 2015 have been paid Rs. 10,000/- each out of the said amount of Rs. 2,30,000/- released to the School. The rest amount of Rs. 40,000/- has been deposited in the name of District Welfare Officer, Aurangabad.

Learned Additional Public Prosecutor appearing on behalf of the State has opposed the prayer for anticipatory bail.

However, considering the nature of allegation against the petitioner and the fact that there is no likelihood of tampering with the evidence by the petitioner, this application is allowed.

Let the petitioner, Yogendra Kumar, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Daudnagar, Aurangabad, in connection with Daudnagar Police Station Case No. 11 of 2016, subject to the condition laid down under Section 438 (2) of the

Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

Prabhakar Anand/-

(Chakradhari Sharan Singh, J.)

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