

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51516 of 2016

Arising Out of PS.Case No. -154 Year- 2016 Thana -KURSAKANTA District- ARRARIA

=====

Vijay Kumar Singh S/o Late Bindeshwari Prasad Singh Resident of Village
- Pratap Nagar, P.S. - Naugachhia, District - Bhagalpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate.

Mr. Dr. Bidhu Ranjan, Advocate.

For the Opposite Party : Mr. Madhura Nand Jha (APP).

=====

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 20-12-2016 Heard the learned counsel for the petitioner as well as

the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Kursakanta P.S. Case No. 154 of 2016/ G.R. No. 3087 of 2016 for the offences punishable under sections 406, 409 and 420/34 of the I.P.C.

Allegedly, the petitioner, being the Block Education Officer, in collusion and conspiracy with the headmaster and other ministerial staffs of the concerned offices misappropriated the amount of Rs. 25,66,500/- which was the amount of scholarship for primary school students.

Submission is of false implication and that the



petitioner has got clean career, he is scheduled to be retired in the month of December, 2016, the money was not entrusted to the petitioner so the allegation of defalcation and misappropriation of money is not against the petitioner, he has not cheated to any person and the offence under section 420 of the I.P.C is also not applicable, the petitioner was not aware to this collusion which has taken place in between the office staffs and the concerned headmaster, the amount in question has already been deposited by the concerned headmaster which indicates innocence of this petitioner, the petitioner is ready to furnish the bail bond and as such he deserves sympathetic consideration for pre-arrest bail.

The learned A.P.P. opposes prayer for bail by submitting that the responsibility of the petitioner was to inform about the concerned misappropriation to the officers of the concerned department, but he has not informed about the misappropriation to the officers of the concerned department.

In the facts and circumstances as stated above, as the headmaster has already deposited the defalcated amount and as such the petitioner, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order, shall 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. A.C.J.M-II, Araria in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

Abhay/-

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

