

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42238 of 2016

Arising Out of PS.Case No. -18 Year- 2014 Thana -LAUKHI District- MADHUBANI

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Kant Lal Mandal Son of Late Rati Lal Mandal Resident of village-
Mouwahi, P.S.- Marauna, District- Supaul. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binodanand Mishra, Advocate

For the Opposite Party/s : Mr. Sri Nand Kishore Pd, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 05-10-2016

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Laukahi P.S. Case No. 18 of 2014, disclosing offences under Sections 409, 420, 467, 468 and 477A of the Indian Penal Code.

The petitioner, at the relevant point of time, was working as Incharge Headmaster, High School, Jhitaki Bangama. An enquiry report of an enquiry committee submitted by the Sub-Divisional Officer, Phulparas is basis for registration of First Information Report, which indicates that till the date of enquiry, the petitioner had not maintained desired cash register and distribution register nor did he maintain book of accounts, relating to income and expenditure from various sources.

Learned counsel for the petitioner has submitted that allegation made in the First Information Report *per se* do not

constitute a criminal misconduct and at the maxim, it can be said to be an irregularity constituting misconduct by a government servant.

Be that as it may, considering the nature of allegation, this application is allowed.

Let the petitioner, above-named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Jhanjharpur, Madhubani in connection with Laukahi P.S. Case No. 18 of 2014, G.R. No. 205 of 2014, subject to the conditions as 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 bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Vats/-c

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