

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9354 of 2016

Arising Out of PS.Case No. -146 Year- 2013 Thana -MANSI District- KHAGARIA

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Dinesh Kumar Son of Turanti Das Resident of Village - Chak Hussaini , P.s
Mansi, District Khagaria, at Present Posted as Headmaster /Sanchalak
Uppreran kendra Madhya Vidyalaya Saidpur mansi District Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Ram Bachan Singh (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 07-12-2016

Heard learned counsels for the petitioner and
the State.

The petitioner has renewed his prayer for
anticipatory bail in connection with Mansi P.S. Case No. 146 of
2013 registered for the offences punishable under Sections 406
and 409 of the Indian Penal Code pending before the court of
learned Chief Judicial Magistrate, Khagaria.

Earlier anticipatory bail application of the
petitioner was disposed of vide order dated 05.11.2015 passed in
Cr. Misc. No. 45098 of 2015 with liberty to the petitioner to move
before the learned Sessions Judge afresh since earlier anticipatory
bail application filed before the learned Sessions Judge was



withdrawn. Subsequently the petitioner moved before the learned Sessions Judge which is impugned order in the present anticipatory bail application.

Prosecution case is that the petitioner being the Headmaster of Utpreran Kendra Middle School, Saidpur made to have embezzled the amount of Rs.5,83,712/-.

It is submitted by learned counsel for the petitioner that the earlier anticipatory bail application was withdrawn from the court of the learned Sessions Judge since the petitioner was granted bail till submission of the charge-sheet. The impugned order reflects that on conclusion of the investigation charge-sheet was submitted and consequently the order of cognizance has been passed. Hence, fresh anticipatory bail was filed. It is further submitted that in the departmental proceeding the petitioner has been exonerated.

In view of the fact that the petitioner was granted anticipatory bail by learned court below and furnished the bail bond, hence, the present anticipatory bail application is not maintainable.

Let the learned court below consider the prayer for bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today.



In such eventuality the prayer for has to be considered on the ground whether the petitioner has basically misused the privilege of bail granted.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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