

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.48788 of 2015**

Arising Out of PS.Case No. -119 Year- 2013 Thana -NAUHATTA District- SAHARSA

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Pramod Kumar Roy Son of Pitambar Roy, Resident of Village - Kathuwar,  
Police Station - Nauhatta, District - Saharsa.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Hirday Pd.Singh(App)

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

02/ 30-11-2016

Heard learned counsels for the petitioner and  
the State.

The petitioner has renewed his prayer for anticipatory bail for 3<sup>rd</sup> time in connection with Nauhatta P.S. Case No. 119 of 2013 registered for the offences punishable under Section 409 of the Indian Penal Code. However, counsel for the petitioner submits that the petitioner confines his prayer only to the extent of extending the period of surrender and the prayer for bail be considered in view of the earlier order dated 15.04.2015 if the petitioner submits the account with regard to the deposit of the defalcated amount.

The petitioner is accused in a case registered under Section 409 of the Indian Penal Code. The accusation is of



misappropriating the government fund from the school account.

The petitioner was granted anticipatory bail vide order dated 27.06.2014 passed in Cr. Misc. No. 9643 of 2014 on readiness of the petitioner furnish all details regarding expenditure. The anticipatory bail was granted with the stipulation that if the petitioner will fail to satisfy the due expenditure against the withdrawal then the privilege granted will be treated as cancelled. Thereafter, the petitioner preferred Cr. Misc. No. 15324 of 2015 renewing the prayer on the ground that the petitioner is ready to deposit the balance amount for which he failed to give account with regard to expenditure against the withdrawal. The said anticipatory bail application was disposed of with liberty to the learned court below to consider the prayer for bail of the petitioner on surrender, if the petitioner deposits the amount for which expenditure receipt has not been submitted.

In view of the present stand of the petitioner, this Court is not inclined to consider the prayer for anticipatory bail on merit. However, the period of surrender is extended by four weeks to enable the learned court below to consider the prayer for bail of the petitioner on deposit of the amount of the expenditure in connection with Nauhatta P.S. Case No. 119 of 2013, pending in the court of learned CJM, Saharsa.



Accordingly, this application is disposed of  
with the above observation and direction.

**(Dinesh Kumar Singh, J)**

DKS/-

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