

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54005 of 2015

Arising Out of PS.Case No. -136 Year- 2015 Thana -GOH District- AURANGABAD

1. Mukesh Kumar Dheeraj S/o Mangala Prasad Shastri R/o Vill Darwan,
P.S. Uphara, District - Aurangabad, at present, Incharge Headmaster of
Government, Uttkramit, Middle School, Nirpur, P.S. Goh, District -
Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Anant Kumar (App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 16-02-2016 Heard the Counsel for the petitioner and Mr. Anant
Kumar, APP for the State.

Petitioner seeks anticipatory bail in Goh P.S. Case No.
136 of 2015 registered under sections 406 and 409 of the Indian
Penal Code.

The informant of the case is the I.O. of Goh P.S. Case
No. 16 of 2013 lodged against two named accused persons
alleging snatching or forcibly taking away the money assigned to
him under Poshak Vitran Scheme. It is submitted that charge-sheet
has been submitted in Goh P.S. Case No. 16 of 2013 only in minor
sections and the F.I.R. has been lodged alleging that the allegation
of taking away of money was wrongly alleged by the petitioner. It
is submitted that there has been a delay of more than two years in

lodging the case when the petitioner was transferred from that place.

Counsel for the petitioner submits that in order to obtain the privilege of anticipatory bail, the petitioner, if so directed, may deposit a sum of Rs. One lac with the informant or the State authority without prejudice to his right or contention in the case.

Learned A.P.P. has submitted that it was a ploy of the petitioner to lodge the case in order to embezzle the government money which was meant for purchase of Poshak (uniform) for the students.

Considering the above, in the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Daudnagar, Aurangabad in Goh P.S. Case No. 136 of 2015 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) No sooner charges are framed, the petitioner shall

appear in person on each and every date fixed in the Court below.

In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(iii) Along with the bail bond, the petitioner shall produce demand draft and/or document showing deposit of a sum of Rs. one lac in the office of the District Programme Officer, Aurangabad which, of course, shall be without prejudice to his defence in the case.

Pankaj/-

(Kishore Kumar Mandal, J)

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