

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37347 of 2016

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Anil Chaudhary @ Tuntun Chaudhary, Son of Ram Chandra Chaudhary,
Resident of Village – Sirajpur, P.O. – Parbatta, District – Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Purushotam Sharma

For the Opposite Party/s : Mr. Smt. Veena Rani Prasadd.

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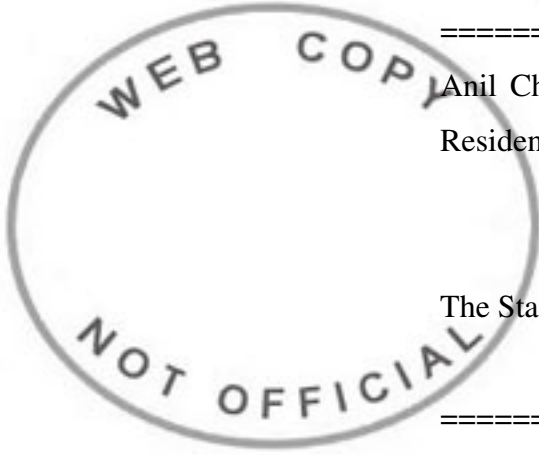
CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 31-08-2016

The present application has been filed for modification of the order dated 14.07.2016 passed in Cr. Misc. No. 28292 of 2016 to the extent that the prayer for anticipatory bail of the petitioner should be reconsidered in view of the fact that co-accused Smt. Kumkum Kumari has been granted anticipatory bail, who is the main accused being Headmistress of the school, vide Cr. Misc. No. 3667 of 2016 by a co-ordinate Bench of this Court.

The prosecution case is that the informant being Block Development Officer, Parbatta made surprise inspection at the Primary School, Sharma Tola, Temtha Karari



and found misappropriation of 250 kgs. of rice. It is alleged that the petitioner being the husband of the Incharge Headmistress, Kumkum Kumari, obstructed the informant in inspection and misbehaved with him.

This Court disposed of the anticipatory bail application of the petitioner vide order dated 14.07.2016 passed in Cr. Misc. No. 28292 of 2016 with observation that the facts constitute grounds for consideration of prayer for regular bail.

It is submitted by learned counsel for the petitioner that the thrust of accusation with regard to misappropriation of the rice is against the wife of the petitioner, who was Incharge Headmistress of the school, namely, Kumkum Kumari, has been granted anticipatory bail vide Cr. Misc. NO. 3667 of 2016 by a co-ordinate Bench of this Court.

This Court is not inclined to modify the earlier order, but let the learned court below dispose of the prayer for bail of the petitioner in view of the fact that Headmistress of the school in question has been granted anticipatory bail.

The period of surrender is further extended by three weeks from the date of receipt/production of a copy of this order in connection with Parbatta P.S. Case No. 383 of 2015 pending in the court of learned SDJM, Khagaria.

The order dated 14.07.2016 is modified to the extent indicated above.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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