

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2863 of 2017

Arising Out of PS.Case No. -54 Year- 2016 Thana -SHAMBHUGANJ District- BANKA

- =====
1. Prof. Abdul Quayum , son of Late Sekh Sabdul, Resident of village- Urdu Chauk, Gagipur, P.S. Tarapur, District- Munger
 2. Mani Kant Singh, son of late Thakur Prasad Singh, resident of village and P.S. Shambhuganj, District- Banka
 3. Amresh Kumar Amar @ Amresh Kumar, son of Vipin Kumar Singh, R/o Village- Kaihanichak, P.S. Shambhuganj, District- Banka
 4. Rajesh Kumar Singh, son of Bishwanath Prasad Singh, Resident of Village- Karnpur, P.S.- Shambhuganj, District- Banka.
 5. Vipin Kumar @ Bipin Kumar Singh, son of Late Balcharan Mandal, resident of village- Kaihanichak, P.S.- Shambhu Ganj, District- Banka.
- Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Rana Ishwar Chandra, Advocate
For the Opposite Party : Mr. Dr. Ajeet Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 10-02-2017 Heard learned counsel for the petitioners and learned counsel representing the State.

The petitioners apprehend their arrest in connection with Shambhuganj P.S. Case No. 54 of 2016, arisen from Complaint Case No. 1118 of 2014, registered for the offences punishable under Sections 420, 467, 468, 406, 409 and 120(B)/34 of the Indian Penal Code.

The informant being presently In-charge Principal of R.A. Inter College, Shambhuganj, had taken charge from petitioner no.1 on 07.10.2013. Allegedly, the petitioner no.1 and 2 withdrew Rs. 26,62,310/- from Gramin Bank of Sahmbhuganj



Branch in the year 2012-2013 but there is no voucher for the amount to the tune of Rs. 9,61,260/- In the year 2014 from 02.01.2014 to 24.01.2014 examination fee etc were realized to the tune of Rs. 11,12,80/- but only Rs. 6,84,800/- was produced by the accused persons before the Council and thereby the accused persons have committed irregularities, misappropriated and defalcated the money of the College.

Submission is of false implication and that in the year 2013 the petitioners were made accused for the same cause of action vide Shambhuganj P.S. Case No.182 of 2013 in which they are on bail granted by this Court and the petitioner no.1 has also filed cases against the informant and others in the year 2012 and 2014 vide Shambhuganj P.S. Case No. 136 of 2012 and Complaint Case No. 163 of 2014, no offence as alleged is attracted against any of the petitioners and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, considering that earlier the petitioner no.1 and 2 have been granted anticipatory bail in Shambhuganj P.S. Case No. 182 of 2013 which was lodged by the present informant in identical allegation



and, as such, the petitioners in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Shambhuganj P.S. Case No. 54 of 2016, arisen from Complaint Case No. 1118 of 2014, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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