

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47227 of 2016

Arising Out of PS.Case No. -181 Year- 2016 Thana -TEKARI District- GAYA

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1. Sunil Kumar Mishra, Son of Late Ram Nath Mishra, Resident of Village- Namanshukh Bigha, P.S.- Kurtha, District- Arwal.
 2. Chandeshwar Ram, Son of Mani Ram, Resident of Village- Mau, P.S.- Tekari, District- Gaya.
 3. Kashi Nath Singh @ Kashi Nath Pd Singh Son of Late Ramcharitra Singh, Resident of Village- Janakpur, P.S.- Muffasil, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sahdeo Mishra, Son of Hari Mohan Mishra, Resident of Village- Sherpur, P.S.- Maner, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Sri Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 08-03-2017 Heard the learned counsel for the petitioners, the learned A.P.P. for the State as also the learned counsel for the opposite party no.2.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Tekari (Mau) P.S. Case No. 181 of 2016 for the offences punishable under sections 147, 148, 149, 419, 420, 406, 467, 468, 471 and 120 B of the I.P.C.

The informant Sahdeo Mishra filed a complaint petition on the basis of which the present FIR has been lodged. The informant named the petitioners as accused in the complaint



petition but did not make any sort of allegation against the petitioners. The gist of the allegation is that Rs. 37,91,600/- was deposited in the account of Dr. Jagarnath Mishra Inter College and Ashok Kumar Mishra Memorial Trust and the entire money was misappropriated. The informant made allegation against Vandana Kumari as she was illegally appointed on the post of Principal of the College.

Submission on behalf of the petitioners is that the petitioner no.1 is Computer Clerk, petitioner no.2 is peon and petitioner no.3 is the member of Trust and there is no specific allegation against them, Vandana Kumari has already been enlarged on anticipatory bail vide order passed in Cr. Misc. No. 51209 of 2016, the petitioners did not withdraw any amount, the concerned authority disbursed the entire amount amongst the teachers and staff as per their salaries, Rama Pathak and Mukesh Kumar Mishra, the members of the trust, Nawin Kumar Mishra, staff of the College and Rakesh Ranjan, the general Secretary of the trust have already been allowed pre-arrest bail and as such the petitioners deserve sympathetic consideration.

The learned counsel for the opposite party no.2 and the learned A.P.P. submit that the money was misappropriated under dress distribution scheme, there was provision only to Rs.



1000/- but Rs. 2000/- has been distributed after showing the fictitious signatures of the students and as such the petitioners do not deserve bail.

In the facts and circumstances as stated above, considering that there is no specific allegation against the petitioners and other co-accused have been allowed pre-arrest bail and as such the petitioners, in case of their arrest or surrender shall also be released on bail.

As submitted, the petitioners have been released on bail on execution of bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each in the light of the order dated 13.12.2016 passed by this Court and as such the bail granted to the petitioners shall be confirmed by the learned court below.

(Jitendra Mohan Sharma, J)

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