

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.44589 of 2017**

Arising Out of PS.Case No. -179 Year- 2017 Thana -BAHERA District- DARBHANGA

=====

1. Shyam Mohan Choudhary Son of Late Dinesh Narain Choudhary  
Resident of village- Lagma, Police Station- Sakatpur, District-  
Darbhanga

.... .... Petitioner/s

Versus

1. The State of Bihar

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

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**Appearance :**

For the Petitioner/s : Mr. Prafull Chandra Jha, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

2      19-09-2017                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case  
registered for the offence punishable under Section 409 of the  
Indian Penal Code.

Allegation against the petitioner is that he was  
Panchayat Teacher of the referred school and he misappropriated  
some of the fund of dress allowance for the students.

Submission of the learned counsel for the petitioner  
is that prior to lodging of the F.I.R. the matter was inquired by the  
Block Education Officer on the direction of the superior authority  
vide Annexure-4. Entire records were examined and the  
allegation was found untrue. Thereafter the matter went up to the



District Magistrate, who did not find any allegation true vide Annexure-5. Since the petitioner had some differences with the informant and the petitioner had already complained to the higher authority against the complainant, he has falsely been implicated in this case.

After hearing the parties and considering the materials on record, I find substance in the submission of the petitioner, hence, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Benipur/successor Court in connection with Bahera Police Station Case No. 179 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

**(Birendra Kumar, J)**

Mkr./-

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