

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50290 of 2018

Arising Out of PS. Case No.-186 Year-2017 Thana- ATRI District- Gaya

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Azad Kumar Durdarshi son of Late Basudev Prasad, resident of village &
post Nanand, P.S. Silao, District Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar

For the Opposite Party/s : Mr. Nityanand

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 01-11-2018 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 offences punishable under Sections 409, 420
and 311 of the Indian Penal Code.

The petitioner was Headmaster of the school.
Allegation is that he collected Rs.500/- from each of the
students for opening a bank account to allow the benefits of the
government scheme. The account was not opened and as per
rules accounts were to be opened on zero balance. Some other
allegations are there of embezzlement of Rs.50,000/- of
government scheme.

Learned counsel for the petitioner submits that the
petitioner never withdrew any amount from the government



accounts, hence, the allegation is palpably false at the instance of former Headmasters. Moreover, only few aggrieved persons who were not regularly studying in the school made wrong statement before the police for acceptance of Rs.500/- by the petitioner which is not a correct fact.

Since, some of the witnesses have stated before the police that the petitioner demanded and accepted the referred amount for opening bank account, in my view, this is not a fit case for grant of anticipatory bail to the petitioner in connection with Atri Police Station Case No. 186 of 2017 pending in the court of learned 1st Additional Chief Judicial Magistrate, Gaya.

Hence, prayer for anticipatory bail is refused.

However, in the event of surrender of the petitioner, prayer for regular bail shall be considered without being prejudiced by this order.

(Birendra Kumar, J)

Kundan/Rajan

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