

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51233 of 2017

Arising Out of PS. Case No.-1694 Year-2014 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. Ramesh Prasad @ Prof. Ramesh Prasad, Son of Late Yamuna Prasad, Resident of Village- Chapatia, P.S.- Chanpatia, District- West Champaran.
 2. Satyendra Kumari Rai @ Prof. Satyendra Kumar Ray, Son of Late Hira Ray, Resident of Village- Satwariya, P.S.- Sathi, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Vashisth Kunwar, son of Harihar Kunwar, Resident of Village- Awraiya, P.S.- Bettiya (M), District- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar
For the Opposite Party/s : Mr. SRI ANAND KISHORE CHOUDHARY

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 24-01-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Complaint Case No. 1694 © of 2014 instituted for the offence under Sections 467, 468, 471, 406, 409, 419, 420, 506 and 120B of the Indian Penal Code.

Counsel for the petitioners submitted that earlier the case was investigated by the police. The police submitted final form in the case. Thereafter on the basis of the protest petition the court found prima facie case against the petitioners. Counsel for the petitioner further submitted that the complainant Bashishtha Kunwar has already resigned on 07.01.2012 itself



in presence of the Secretary and Managing Committee and petitioner no.1 was made Principal by Managing Committee on 09.01.2012 and since then he is continuing in the office and discharging his duty. It is further submitted that no irregularity and illegality in distribution of the sanctioned amount has been committed by petitioner no.1. The money was distributed among the teaching and non teaching staff of the college.

Counsel for the informant has filed counter affidavit wherein utilization certificate has been enclosed as Annexure-C which discloses that disbursement of the amount of Rs. 32,50,200/- alleged to have been received as grant in the college for sessions 2007-2009, has been distributed among the teaching and non teaching staff of the college.

The allegation made by the informant against the petitioners that they deprived the informant and other three teachers named in the F.I.R. from receiving the amount of grant is dispute between the petitioners and three teachers inter se.

It appears from the utilization certificate that there is no defalcation of money by the petitioners.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event



of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Complaint Case No. 1694 (C) of 2014, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah at West Champaran, subject to the conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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