

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3931 of 2019

Arising Out of PS. Case No.-328 Year-2018 Thana- KATEYA District- Gopalganj

Vivek Kumar Pandey, S/o Ramvyas Pandey Resident of Village- Bhathwan Khurd, P.O.- Mahuawan, PS- Kateya, District- Gopalganj, presently the Head master, Primary School Kuisa Khurd, PS- Kateya, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey No.5

For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-01-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 419, 420, 406 & 409 of the Indian Penal Code.

The prosecution case, in brief, is that in the financial year 2014-15, under 'Prathamik Shikha and Sarva Shiksha Abhiyan', Rs. 7,00,000/- (seven lacs) had been withdrawn by the petitioner-accused for construction of class-rooms but the class-rooms were not constructed and the said amount was defalcated.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The



petitioner has been made accused in the present case due to mistake of fact. Whatever amount is said to be drawn by the petitioner, has already been deposited in the account. The petitioner is headmaster of the school, in question. It is further submitted that the petitioner is ready to deposit an amount of Rs. 25,000/- which shall be subject to final outcome of the case.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, the petitioner is directed to deposit an amount of Rs. 25,000/- which shall be subject to final outcome of the case. On doing so, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XV, Gopalganj in connection with Kateya P.S. Case No. 328 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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