

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6359 of 2019

Arising Out of PS. Case No.-266 Year-2018 Thana- AURANGABAD TOWN
District- Aurangabad

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Bijay Kumar Son of Hardev Singh Resident of Village - Durve, P.S.-
Chandauti, District - Gaya, the then assistant District Welfare Office,
Aurangabad at present posted at District Welfare Office, Rohtas
(Sasaram).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sudhir Kumar Sinha, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 05-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 420, 409, 120B of the Indian Penal Code
registered in connection with Aurangabad Town P.S. Case No. 266
of 2018.

3. It is submitted that the petitioner has been falsely
implicated merely because he happens to be a Clerk in the
Welfare Department at Aurangabad. There is no role to play in
connection with the money for scholarship allegedly withdrawn
and defalcated from the Welfare Department by the Institution
named Megasoft College of Management and Science. The
petitioner merely discharged his routine duties at the instance of
his senior officers and has not prepared any fake bill. The
petitioner was directed to prepare the document for allotment of
scholarship amount as directed by his superiors after inquiry by
them about the list of students submitted by the College. The



petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad Town P.S. Case No. 266 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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