

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12372 of 2019

Arising Out of PS. Case No.-18 Year-2012 Thana- GAMAHARIYA District- Madhepura

1. Deo Narayan Chaudhary, Son of Late Santlal Chaudhary, Resident of Village - Laudh, P.S. and District - Supaul.
2. Naresh Prasad, Son of Late Muni Saw, Resident of Village - Bhanbigha, P.S.- Rahui, District - Nalanda, at present Head Clerk in D.S.E. office, Supaul.
3. Kundan Kumar, Son of Shri Janardan Chaudhary, Resident of Village - Parari, P.S.- Bangaon, District - Saharsa, the then D.S.E., Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 15757 of 2019

Arising Out of PS. Case No.-18 Year-2012 Thana- GAMAHARIYA District- Madhepura

Krishna Kumar Das @ Krishna Kumar, son of Late Jai Narayan Lal Das Resident of Village- Beldara, P.S.- Pipra Bazar, District - Supaul. presently posted as Government Gilrs High School, Saharsa, P.S. and District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 12372 of 2019)

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Ajay Mishra

(In CRIMINAL MISCELLANEOUS No. 15757 of 2019)

For the Petitioner/s : Mr.Gopal Kumar Jha

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 01-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioners in both the Cr. Misc. applications



apprehend their arrest in connection with Gamharia P.S. Case No.18 of 2012, corresponding to G.R. No.340 of 2012 for the offence punishable under Sections 406, 409, 420/34 of the Indian Penal Code.

The allegation against the petitioners along with others is of misappropriation of Government money to the tune of Rs.3,34,891/- being the Headmaster of the Government Middle School, Bhelwa. The petitioners are not named in the FIR and their names transpired in this case through the supervision done by the SDPO, Madhepura.

Learned counsel for the petitioners submits that the petitioners are not named in the FIR and the main accused in the FIR namely, Ashok Pandit@ Ashok Kumar, Bishundeo Prasad Yadav and Rudra Nand Yadav have been granted bail by this Court in Cr. Misc. No.27004 of 2012, 27698 of 2012 and 29156 of 2012 respectively vide order dated 11.07.2012, 16.07.2012 and 24.07.2012 respectively.

Learned counsel further submits that more than the defalcated amount has been deposited by the said accused persons. He also referred to order dated 23.04.2019 passed in Cr. Misc. No.8284 of 2019 by this Court whereby similarly situated person, Sri Ram Singh, has been granted anticipatory



bail by this court.

After having heard learned counsel for the petitioners as well as State and taking into consideration the facts and circumstances of the case along with the fact that similarly situated person and main accused of this First Information Report has been granted bail by this court. As such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioners, above named in both the bail applications, are directed to surrender before the learned Court below within a period of four weeks and in the event of surrender by the petitioners, the petitioners shall be released on anticipatory bail by the Court below upon 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, Madhepura, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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