

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18304 of 2019

Arising Out of PS. Case No.-347 Year-2017 Thana- MAJHAULIA District- West Champaran

1. Akhileshwar Prasad, S/O Doma Mahto @ Baburam Prasad, Resident of Village- Bishambharpur, P.S.- Bettiah Muffasil, District- West Champaran.
2. Mohammad Faijur Rahman @ Md. Faijur Rahman, S/O Md. Asif Ali, Resident of Village- Mohammadpur, P.S.- Banjaria, Dist.- East Champaran.
3. Binod Kumar, S/O Sitaram Ram, Resident of Village- Harijan Tola, Jaukatiya, P.S.- Majhauria, Dist.- W. Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Ajay Mishra

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-04-2019 Heard learned counsel for the petitioners and learned
APP representing the State.

Petitioners are seeking anticipatory bail in connection with Majhauria P.S. Case No. 347 of 2017 registered for the offences punishable under Section 409/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the allegations these petitioners while posted as headmasters in the school in question had withdrawn certain amount towards carrying on some construction work of school building during different financial years, but the advances withdrawn by them



were not duly adjusted and some amount were showing unadjusted for which the petitioners were called upon to deposit the amount and because there has been some delay in depositing the amount the present FIR came to be lodged. Learned counsel has however referred Annexure-2 series to submit that the petitioners have deposited the excess amount and the account has been adjusted. It is submitted that in similar circumstance a learned coordinate Bench of this Court has granted anticipatory bail to the co-accused in Cr.Misc. No.345 of 2018 and Cr.Misc.No.3868 of 2019.

Learned APP for the State is present and has opposed the prayer for anticipatory bail as according to him these petitioners have deposited the amount at the belated stage.

Considering the facts and circumstances of the case wherein it is submitted that the amount was withdrawn for construction of the school building but due to some adjustment issues the money remained with the petitioners, but now those money have been deposited by the petitioners and the learned coordinate Bench of this Court has granted the anticipatory bail to the co-accused similarly situated, in case of arrest or surrender of the petitioners within a period of four weeks from today, the abovenamed petitioners shall be enlarged on bail on



furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bettiah, West Champaran in connection with Majhulia P.S. Case No. 347 of 2017, subject to the condition prescribed under Section 438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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