

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 24554 of 2019

Arising Out of PS Case No.-14 Year-2019 Thana- BAKHTIYARPUR District- Saharsa

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Bishwanath Kumar, Son of Late Bindeshwar Raut, aged about 49 years, Male,
Resident of Mohalla- Dr. Nayaryan Prasad Lane, Near Parwati Niwas,
Khajurbanni, P.S.- Sultanganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate
For the State : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 13-08-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends arrest in Bakhtiyarpur PS
Case No. 14 of 2019 dated 08.01.2019 instituted under Sections
420, 406, 409, 467, 468 and 471 of the Indian Penal Code.

3. The allegation against the petitioner and three others
in the complaint lodged by the Block Development Officer, Simri,
Bakhtiyarpur in the district of Saharsa is of embezzlement of
government money meant for scholarship, clothes etc. of children.

4. Learned counsel for the petitioner submitted that he
was the then Assistant Teacher in the college in question and was
neither in the Committee which is responsible for such



distribution of amount nor was a signatory to the cheques issued in this regard. It was submitted that when the petitioner found certain amount credited into his account, he immediately returned the same and deposited it in the school account totalling Rs. 19,500/-. It was submitted that all the other three co-accused including those who were directly the member and signatory of the account have been granted anticipatory bail by co-ordinate Benches of this Court in Criminal Miscellaneous No. 34360 of 2019 by order dated 06.08.2019 (Prabhakar Chaudhary); Criminal Miscellaneous No. 25857 of 2019 by order dated 22.04.2019 (Mamta Kumari) and Criminal Miscellaneous No. 23848 of 2018 by order dated 16.07.2019 (Bindeshwari Ram).

5. Learned APP, in the face of submissions of learned counsel for the petitioner, especially about grant of anticipatory bail to the other three co-accused was not in a position to show any ground for rejection of such prayer by this Court.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial



Magistrate, Saharsa in Bakhtiyarpur P.S. Case No. 14 of 2019,
subject to the conditions laid down in Section 438(2) of the Code
of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J.)

P. Kumar

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