

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23847 of 2019

Arising Out of PS. Case No.-78 Year-2017 Thana- SALAIYA District- Aurangabad

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Pramod Kumar Choudhary @ Promod Choudhary, Son of Radhe Choudhary,
Resident of Piperdiha, Tola Gajraj Bigha, Police Station- Salaiya, District-
Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar through Vigilance Department

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr.Sanjiv Sharan, Advocate
For the Vigilance	:	Mr.Anjani Kumar (L.O Inc Vig. Bihar, Patna)
For the E.O.U.	:	Mr. V.N.P. Sinha, Sr. Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 07-11-2019 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State. Learned Senior
Counsel for the E.O.U. is also present.

The petitioner is in custody since 15.09.2018 in
connection with Special Case No.43(A) of 2018 arising out of
Salaiya P.S. Case No.78 of 2017 registered for the offence
under Section 409/420/34 of the Indian Penal Code and
Section 13(2) read with Section 13(1)(D) of the P.C. Act.

Learned counsel for the petitioner submits that the
present petitioner is merely a Tola Sewak, who was made the
Secretary of the *Ad hoc* Education Committee, Primary
School, Tekka Bigha, Madanpur, Aurangabad. It is further
submitted that the present petitioner was jointly operating the



account along with the Headmaster, namely, Chandan Kumar Ranjan, but he was merely a tool in the hands of the Headmaster and had no role to play. Learned counsel for the petitioner further submits that though the petitioner is not named in the F.I.R., but during investigation his name transpired that he is the joint account holder and such step was taken by the Headmaster in one go so that he could operate the account. Learned counsel further submits that the petitioner had no knowledge nor had he any role to play in withdrawal and misappropriation of the money and therefore, he may be extended the privilege of bail. It is further submitted that other main accused persons, namely, Chandan Kumar Ranjan and Bimla Mariya Lakada have already been extended the privilege of bail by this Court.

Learned counsel for the E.O.U. submits that the petitioner was, undoubtedly, one of the signatories of the cheques which were withdrawn from the Bank illegally and a huge amount of Government money is said to have been misappropriated, which would not have been possible without the signatures of the petitioner. He thus submits that the petitioner is also an active participant in the alleged occurrence.



Having considered the entire facts and circumstances of the case and since it has been undertaken by the petitioner that he is willing to abide by all conditions as laid down by this Court and chargesheet has already been submitted in connection with the present case, this Court directs that the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance-1st, Patna, in connection with Special Case No.43(A) of 2018 arising out of Salaiya P.S. Case No.78 of 2017, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, son, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the



learned court concerned.

(4) The petitioner shall co-operate 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.

(Anjana Mishra, J)

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