

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34360 of 2019

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

PRABHAKAR CHAUDHARY Son of Late Kusheshwar Chaudhary Resident
of Village - Murali Basantpur, Ward No. 13, P.S.- Bangaon, Block- Kahara,
Distt - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parth Gaurav

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 06-08-2019 Heard learned counsel for the parties.

Petitioner is apprehending his arrest in connection with
Bakhtiyarpur P.S.Case No.14/2019 dated 8.1.2019 , registered
for offences punishable under Sections 420, 406, 409, 467, 468
and 471 of the Indian Penal Code.

Allegation as per FIR is that the Block Education Officer,
Simri Bakhtiyarpur has lodged a case with respect to
embezzlement of government fund for scholarship, school
dress, mid-day programme and other schemes. Petitioner is
named in the FIR.

Submission of the learned counsel for the petitioner is
that the matter was inquired into by the District Programme
Officer but the report does not show any specific allegation



against the petitioner and during the investigation it transpires the amount has been transferred to the account of relatives of the accused persons but not in the account of the petitioner or his relatives. It is also submitted that vide resolution of the school, he has authorized the co-accused Bindeshwari Ram for distribution of the aforesaid amount and the aforesaid Bindeshwari Ram has been granted bail by a Co-ordinate Bench of this Court, vide order dated 16.7.2019 passed in Cr. Misc. No.23848 of 2019 and the other accused persons who have been granted privilege of anticipatory bail vide order dated 23.4.2019 passed in Cr. Misc. No.25857 of 2019.

Heard learned A.P.P. , who has opposed the prayer for bail on the ground that the petitioner and other accused persons were found responsible for the aforesaid defalcation and the said Bindeshwari Ram has been granted bail on the ground that he has no role in distribution of the fund rather it is the Headmaster who is responsible for the same and the petitioner is the Headmaster of the school. .

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, surrender before the learned court below by 16.8.2019



and on surrender he will be released on bail in connection with Simri Bakhtiyarpur P.S.FIR No.14 of 2019 on condition that he will co-operate the authority concerned as well as the Investigating Officer in the investigation and the inquiry if any, however, if any serious incriminating materials is found against the petitioner, regarding embezzlement of the fund, the prosecution is at liberty to move for cancellation of the bail bond of the petitioner.

With the above direction, this application is allowed.

(Vinod Kumar Sinha, J)

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