

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70328 of 2018

Arising Out of PS. Case No.-296 Year-2016 Thana- MANER District- Patna

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Mithilesh Kumar, S/o Late Ram Nihora Rai, Resident of village Mahavir
Tola, P.S. Maner, District Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. Uday Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 16-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 409 and 420 of the
Indian Penal Code.

The prosecution case as per the written statement of Prem
Kumar Rajiv submitted to the S.H.O., Maner P.S. is to the effect
that the informant is I/c Headmaster of the Primary School,
Mahavir Tola and the petitioner is the Panchayat Teacher of the
said school, who was the custodian of cheque book, passbook
and cash book of the said school. It is alleged against the



petitioner that when the informant requested the petitioner to hand over the documents, the petitioner did not handover the same and by forging the signature of the informant, the petitioner withdrew the amount money of Vidyalaya Shiksha Samiti.

It is submitted by learned counsel for the petitioner that the FIR does not reflect the quantum of amount which is alleged to have withdrawn or from which bank the amount has been withdrawn by the petitioner. It is further submitted that there is a dispute with regard to holding of the post of I/c Headmaster of the said school, between the petitioner and the informant and in that background, the accusation has been leveled against the petitioner. It is also submitted that during investigation, it transpired that amount of Rs.6,00,000/- has been withdrawn from the account of the said school but there is no material to suggest that the alleged amount has been withdrawn by the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP after going through the case diary submits that during investigation, none of the officers of the bank has been examined by the prosecution and it does not transpire that the alleged amount has been withdrawn by the petitioner.

Considering the vague accusation made in the FIR and in



view of the fact that during investigation it does not transpire that the alleged withdrawal has been made by the petitioner, let the provisional bail of the petitioner granted by a Co-ordinate Bench of this Court vide order dated 19.12.2018 in connection with **Maner P.S. Case No.296 of 2016**, pending in the Court of learned **ACJM, Danapur, Patna**, be confirmed.

(Dinesh Kumar Singh, J)

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