

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64590 of 2018

Arising Out of PS. Case No.-483 Year-2018 Thana- KAHALGAON District- Bhagalpur

Pankaj Kumar Choudhary @ Pankaj Kumar Son of Late Satya Narayan Mohali, resident of Village- Mahadeo Baran, P.S. Mirja Chouki, District- Shahebganj, Jharkhanad.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Aditya Nath Pandey, Advocate
For the Opposite Party : Mr. B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

5 21-02-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Section 409 of the Indian Penal Code registered in connection with Kahalgaon P.S. Case No. 483 of 2018.

3. It is submitted that the petitioner has been falsely implicated on the accusation that out of Rs. 9,93,743/- received by the petitioner, the then Headmaster of the Primary School, Amarpur, Kulkuliya, for construction of the building and kitchen room of the school, he had misappropriated Rs.7,91,858/- after adjustment of Rs. 2,01,885/- towards partial work done. It is submitted that the measurement work has not been done in 2012 and the first information report has been instituted several years thereafter. The present case has been instituted in retaliation to Complaint Case No. 1192 of 2018 lodged by the petitioner against the District Programme Officer, Bhagalpur for making payment towards the work done by the petitioner. The petitioner claims clean antecedents.

4. Learned APP, on the other hand, vehemently opposes the anticipatory bail petition on the basis of the case diary, according



to which the petitioner has completed the work partially to the extent of Rs. 2,01,885/- and misappropriated the Government fund of Rs. 7,91,858/-.

5. Having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant anticipatory bail to the petitioner. The anticipatory bail petition stands dismissed.

6. If the petitioner surrenders and seeks regular bail before the learned trial Court the same shall be considered on its own merit in accordance with law and without being prejudiced by any observation in the present order.

BT/Chandran

(Vikash Jain, J)

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