

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2482 of 2020

Arising Out of PS. Case No.-235 Year-2017 Thana- KATEYA District- Gopalganj

Amit Kumar Tiwari Son of Chandra Shekhar Tiwary Resident of Village -
Sabeya, P.O.- Gaura, P.S.- Kateya, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for anticipatory bail apprehending his arrest in connection with Kateya P.S. Case no. 235 of 2017 registered for the offence punishable under section 409 of the Indian Penal Code.

As per the allegation in the FIR, the petitioner who was the In-charge Principal of the Upgraded Middle School, Sebeya, Circle- Panchdeori, District-Gopalganj is said to have defalcated a sum of Rs. 2,64,000/- meant for the scholarship and dress of the students.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false. There has been no defalcation instead the petitioner had utilized the said amount



for construction of building in the school itself. It is further submitted that not accepting the allegations, however, the petitioner has deposited a sum of Rs. 2,64,000/- in the account of the School Education Committee and the said fact would be evident from the letter no. 234 dated 11.10.2019 (Annexure 2) written by the Block Education Officer, Panchdeori (Gopalganj) to the Officer-in-Charge, Gopalganj Police Station in respect of the present case. It is stated that it was the then Block Education Officer, Panchdeori, Gopalganj who was the informant of the instant case. It is finally submitted that the petitioner has no criminal antecedent.

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of six weeks from today and in the event of his arrest or surrender in connection with Kateya P.S. Case no. 235 of 2017 he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate XV,



Gopalganj subject to the condition as laid down under section
438(2) of Criminal Procedure Code.

(Partha Sarthy, J)

Prakash/-

U			
---	--	--	--

