

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5751 of 2020**

Arising Out of PS. Case No.-127 Year-2019 Thana- JHANJHARPUR District- Madhubani

KASHI NATH JHA KIRAN S/o Gulab Jha R/o village- Mehth, P.S.- Bhairav
Asthan, District- Madhubani Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Baidya Nath Thakur, Advocate

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 26-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking anticipatory
bail in connection with Jhanjharpur P.S. Case No. 127 of 2019
registered for the offence punishable under Sections 406 and 420
of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner retired as Headmaster on 31.05.2018. Prior to his
retirement he had sought guidelines from the higher authorities as
to whom the charge of the school be handed over but no such
guideline was given to him and ultimately the petitioner had no
option but to give the charge to the senior most teacher namely,
Mohal Kumar.

As regard the issuance of cheque of Rs. 5 lacs to the
vendor of the equipments to be purchased for the school



concerned, learned counsel for the petitioner submits that the petitioner is the joint signatory to the said cheque with the cashier and the said cheque was issued against the order for supply but if the supply has not been made against that, appropriate action was required to be taken against the defaulter vendor and in this connection the petitioner has lodged one FIR being Jhanjharpur P.S. Cas No. 116 of 2019 against Kanahiya Kumar Chaudhary and Mukesh Kumar Prasad.

Mr. Baidya Nath Thakur, learned counsel submits that in order to show his bonafide the petitioner is ready to deposit a sum of Rs. 2,50,000/- in the court below subject to the result of the case.

Mr. Nitya Nand Tiwary, learned APP for the State has though opposed the prayer for anticipatory bail but considering that the petitioner has retired from service as Headmaster of the school, there is some dispute over handing over and taking over the charge of the school and issuance of a cheque of Rs. 5 lacs which is in joint signature with the petitioner and petitioner is ready to deposit Rs. 2,50,000/- in the court below subject to the result of the case, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today in connection with Jhanjharpur P.S. Case No. 127 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/-



(twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate Ist, Jhanjharpur, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that while submitting the bail bond, the petitioner shall also submit a proof of deposit of Rs. 2,50,000/- in the court below which will remain in deposit subject to the result of the case.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

