

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17983 of 2020

Arising Out of PS. Case No.-142 Year-2019 Thana- GHOGHARDIHA District- Madhubani

BRAJ KISHOR @ SRI BRAJ KISHOR S/o Late Yugut Lal Sah R/o village-
Phulparas, P.S.- Phulparas, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Nath Yadav

For the Opposite Party/s : Mr.Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 31-08-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in connection with Ghoghardiha P.S. case No.142 of 2019 corresponding to G.R. NO.1800 of 2019 registered under Sections 409/34 of the Indian Penal Code, pending in the court of S.D.J.M., Jhanjharpur.

Allegation is that the petitioner along with other co-accused defalcated Rs.51,14,704/- of the government.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused due to mistake of fact. The petitioner is a teacher in School. No wrongful gain



or wrongful loss has been caused on his part. The cheque was issued by the co-accused Shashi Shekhar, who happened to be Block Education Officer. No public money has been misappropriated on the part of the petitioner.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. Altogether Rs.51 lacs and odd has been withdrawn. The co-accused Shashi Shekhar, Block Education Officer, had issued cheque of Rs.15 lacs and odd in favour of the petitioner. Said money was withdrawn by the petitioner.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected.

If the petitioner surrenders before the court below and pray for regular bail, same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

Narendra/-

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