

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20458 of 2020

Arising Out of PS. Case No.-127 Year-2019 Thana- CHARPOKHARI District- Bhojpur

Sanjay Kumar Son of Ram Kewal Ram @ Ramkeval Ram Resident of Village
and P.O.- Chandi, P.S.- Charpokhari, District - Bhojpur, Ara. At present
Teacher Upgraded Middle School Chandi S.C.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiva Ranjan

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-07-2020 The Court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and
learned APP for the State.

Since the physical court proceeding is non-
functional, due to present pandemic, COVID-19, the matter is
listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of physical
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the bench.

The petitioner is apprehending arrest in a case



registered for the offences punishable under Sections 406, 409 and 420 of the Indian Penal Code.

The prosecution case, as per the written report of Block Education Officer, Garhani submitted to the Station House Officer, Charpokhari P.S., is to the effect that in financial year 2010-2011 and 2011-12, the petitioner, being the Incharge Headmaster of Primary Upgraded Middle School, Chandi (Scheduled Caste), has been provided Rs.18,30,000/- for construction of the school building, out of which he has withdrawn Rs. 9,65,000/- but only spent Rs.6,56,178/- and has misappropriated Rs.3,08,822/-.

It is submitted by learned counsel for the petitioner that the petitioner handed over Rs.3,10,000/- to his successor Assistant Teacher -cum- incharge Headmaster, Haider Ali Ansari, as gets reflected from Annexure-3 and hence, no case is made out against the petitioner. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that there is specific accusation against the petitioner of misappropriating the government money.

Considering the fact that the petitioner claims to



have handed over Rs.3,10,000/- to his successor, let the above named petitioner be released on anticipatory bail **provisionally for six months**, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing one surety to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Charpokhari P.S. Case No. 127 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below within six months on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Charpokhari P.S. Case No. 127 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



The learned Court below will be at liberty to further extend the period of provisional anticipatory bail if the court proceeding in physical mode will not resume in next six months.

Let the learned Court below get the issue verified from the school and investigating agency and if it is found that the petitioner has handed over the money to his successor then the provisional bail will be confirmed by the learned Court below, otherwise the petitioner will surrender and pray for regular bail.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

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