

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS NO. 18787 OF 2020

Arising out of Manjhi P.S. Case No. 251 Year 2019 District- Saran

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Dheeraj Kumar Pathak, son of Sri Sashi Nath Pathak, resident of village –
Dhusariya, Police Station –Barhara, District –Bhojpur

.....Petitioners

Versus

The State of Bihar

.....Opposite Party

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Appearance:

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Md. Aslam Ansari

For the Informant : Mr. Bindhyachal Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

02. 16.07.2020

Heard Mr. Sanjeev Kumar, learned counsel for the petitioner,
Bindhyachal Singh, learned counsel for the informant and Mr. Md.
Aslam Ansari, learned counsel for the State.

The petitioner seeks bail in anticipation of his arrest in
connection with Manjhi P.S. Case No. 251 of 2019 dated



27.08.2019 instituted for the offences under Sections 406 and 420 of the Indian Penal Code.

It has been alleged in the First Information Report by the Secretary of a private school that the petitioner, who was appointed as a Principal of that school and another have defalcated an amount of Rs. 25,00,000/- and has also retained the motorcycle belonging to the school management.

Learned counsel for the petitioner has submitted that there is absolutely no proof or evidence of the aforesaid allegation and only because the petitioner demanded his monthly salary, which was promised to him, the present case has been lodged. It has also been stated that the petitioner made an application before the Chief Secretary, Government of Bihar on 19.04.2019 and to the Superintendent of Police also. It has been submitted that no offence under Section 406 or any other sections of the Indian Penal Code can at all be said to have been made from the facts of this case.

As opposed to the aforesaid contentions, Mr. Bindhyachal Singh, learned counsel for the informant has submitted that Rs. 25,00,000/- of an educational institution have been embezzled,



which has been parked in the private account of the petitioner. He has further submitted that on a complaint by the informant, an enquiry also was conducted and the allegation against the petitioner was *prima facie* found to be correct. He, therefore, suggests that either the petitioner be asked to return the aforesaid amount of Rs. 25,00,000/-, which he has misappropriated or the parties be sent to the Mediation Center of Patna High Court so that a settlement could be arrived at between the parties.

The suggestions made by the learned advocate for the informant is not at all acceptable and is rejected. There is no material, which has been pointed out in the First Information Report. If at all there is any evidence of an enquiry indicating towards complicity of the petitioner or participation of the petitioner in siphoning of funds, the matter could be properly investigated and if the petitioner is found guilty, he would be tried for the said offence.

However, considering the vagueness of the offence in the First Information Report, at present this court is inclined to grant anticipatory bail to the petitioner.



The petitioner, above named, is directed to be released on bail in the event of his arrest or surrender before the court below within a period of six weeks from the date of this order on furnishing bail bonds of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate –XIV, Chapra in connection with Manjhi P.S. Case No. 251 of 2019, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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