

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 17772 of 2020

Chaman Lal aged about 51 years (M) son of Naiwat Lal, resident of village Rahika Tola ward no. 17, P.S. Araria, District Araria
.....Petitioner

Versus

The State of Bihar

.....Opposite Party

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Appearance

For the Petitioner : Dr Amarendra Kumar, Advocate

Mr Mukesh Kumar Rana, Advocate

For the State : Mr. Ajay Mishra, APP

CORAM : HONOURABLE MR. JUSTICE PARTHA SARTHY

Oral Order

2. 20.8.2020

Heard learned counsel for the petitioner and learned APP for the State through video conferencing.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Araria P.S. Case no. 1126 of 2019 registered under sections 406, 409, 464, 465, 466, 467, 468 and 420 of the Indian Penal Code.

As per allegation in the FIR, the petitioner an Assistant Teacher, who was absent from the school without any information from 22.12.2018, wrongly took salary for the period that he was absent on the basis of an incorrect absentee statement. Thus the instant case.

It is submitted by learned counsel for the petitioner that the petitioner was suffering from several diseases, was under treatment in the relevant period and information in writing with respect to the same had been given by his wife to the Headmaster of the school. It is further submitted that the absentee certificate was given by the concerned Headmaster who is the drawing and disbursing officer and the petitioner is being made scapegoat in the case. It is further submitted that the petitioner has no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the nature of allegation as made in the FIR together with the fact that the petitioner does not happen to be the Headmaster and the drawing disbursing officer of the said school, the Court is inclined to enlarge the petitioner on anticipatory bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Araria P.S Case

no. 1126 of 2019 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 the learned Chief Judicial Magistrate, Araria subject to the conditions as laid down in section 438(2) of the Criminal Procedure Code.

(Partha Sarthy, J)

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