

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9173 of 2021

Arising Out of PS. Case No.-254 Year-2019 Thana- KHODAWANDPUR District- Begusarai

SHIVAGYA SAHU, SON OF LATE RAM BAHADUR SAHU, R/o village-
Bashi, P.S.- Cheriya Bariyarpur, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shekhar Kumar Singh, Adv.
For the State	:	Mr.Dilip Kumar No.1, APP
For the Informant	:	Mr.Randhir Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-06-2021 Heard the parties through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects as pointed out by the office within four weeks of normal functioning of the court, failing which the office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 409/419/420/467/468/471 of the Indian Penal Code.

Allegation against the petitioner along with other accused persons is said to have conspired with each other embezzled Rs.39 lacs after creating forge account.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case on account of dispute in between co-accused Eknath Pathak, the Principal MRD Inter College Meghaul, Begusarai and the Secretary of Managing Committee of the said College on account of holding on the post of Principal, two persons are claiming for the said post one is Eknath Pathak and another is the present informant namely Ashok Kumar Chaudhary. From perusal of the FIR does not reflect that the petitioner has played any role in the alleged occurrence save and except the petitioner is happens to be the profession of the said college as well as in view of the Advertisement Notice No. 58/2018 dated 15.03.2018 issued by the Secretary of Bihar School Examination Board, Patna which is published in Hindustan Daily News Paper and the general direction has been issued all the college Principal opened two accounts one is from internal sources and another is for aid of the Government and the Advertisement Notice, it appears that there is specific direction of the B.S.E.B., Patna so that to expenses 70% for payment of salary of Teaching and Non-Teaching Staff and remaining 30% expanses in College Development Work, so far the entire amount which was distributed by the Principal of the said college, which is annexed at Annexure-2 of the bail application. The petitioner is languishing in judicial custody since



12.09.2020. The petitioner has got no criminal antecedent which is mentioned in para 3 of the bail petition. The similarly situated co-accused namely Eknath Pathak and Ram Shankar Kumar have been granted bail Anticipatory Bail by Co-ordinate Benches of this Court vide in Cr. Misc. No.33678/2020 and Cr. Misc. No.35637/2020.

Learned counsel for the informant and learned APP for the State opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Khudawandpur P.S. Case No. 254/2019, Corresponding to G.R. No. 341/2019, to the satisfaction of learned Court below where the case is pending.

However, the court below is directed to accept the bail bond of the petitioner after verifying the criminal antecedent.

(Anjani Kumar Sharan, J)

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