

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8829 of 2021

Arising Out of PS. Case No.-194 Year-2018 Thana- BANKA District- Banka

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LAKSHMI NARAYAN SON OF LATE KAILASH MAHTO RESIDENT OF
GOLA GHAT ROAD, NAYA BAJAR, JAGDISHPUR, P.S.- KOTWALI,
DISTRICT- BHAGALPUR. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Ranjan, Advocate
For the Opposite Party/s : Ms. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-11-2021 Heard the learned counsel for the petitioner and Ms.

Anita Kumari Singh, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Banka (Barahat) PS case no. 194 of 2018
registered for the offences punishable under Section 409 and
other allied sections of Indian Penal Code.

The allegation is regarding the petitioner having
disbursed the salary of one Anant Kumar Pandit from March,
2005 to February, 2007 while he was posted as Head Master of
Urdu Middle School, Garibpur, Amarpur, Banka, despite the
fact that the said person had not been working in the school in
question.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, has been falsely



implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner, by referring to paragraph no. 10 of the present petition, has submitted that the petitioner has already deposited the loss amount, which is the amount equivalent to the illegal salary paid to the aforesaid Anant Kr. Pandit. It is further submitted that the petitioner has stood retired in the year 2011.

Per contra, the learned APP for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court finds that since the petitioner has already deposited the loss amount and similarly situated co-accused person has already been granted bail by a co-ordinate Bench of this Court vide order dated 25.08.2018, passed in Cr. Misc. no. 48998 of 2018, it would be appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be released on



anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka (Barahat) PS case no. 194 of 2018 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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