

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60837 of 2021**

Arising Out of PS. Case No.-182 Year-2013 Thana- SHAMBHUGANJ District- Banka

AMRESH KUMAR SINGH @ AMRESH KUMAR AMAR Son of Bipin
Singh Resident of Village- Kahnichak, P.S.- Shambhuganj, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad

For the Opposite Party/s : Mr.Md. Fahimuddin

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 31-03-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Shambhuganj P.S. Case No. 182/2013, registered for the offence punishable under Sections 406, 409, 420, 467, 468, 471 and 120(B) of the Indian Penal Code.

The allegation is regarding the co-accused person, namely, Professor Abdul Qayeem, former incharge Principal of the college in question and one another co-accused person, namely, Dr. Manikant Singh, Professor of the said college in question having misappropriated and embezzled



the college funds to the tune of Rs. 3 lacs as also other funds allotted for Poshak Yojna.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 17.7.2021. The learned counsel for the petitioner has further submitted that the petitioner is not an FIR named accused person and in fact, his name has transpired during the course of investigation, upon supervision note being submitted by the Sub-Divisional Police Officer, Banka. In the supervision note of the Sub-Divisional Police Officer, Banka, it has been alleged that the petitioner was working as unauthorized clerk of the aforesaid two co-accused persons and used to collect money from the students and in lieu thereof, he used to issue fake receipts. The learned counsel for the petitioner has further submitted that the aforesaid two co-accused persons have already been granted bail by a coordinate Bench of this Court vide order dated



29.4.2014 passed in Criminal Miscellaneous No. 8372 of 2014. It is also submitted that the amount alleged to have been defalcated has already been deposited by the said two co-accused persons as is apparent from the said order dated 29.4.2014.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

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 as also considering the fact that the main accused persons have already been granted bail by a coordinate Bench of this Court, apart from the fact that the defalcated amount is stated to have already been deposited by the aforesaid two co-accused persons, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail



bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Banka in connection with Shambhuganj P.S. Case No. 182/2013.

(Mohit Kumar Shah, J)

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