

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49118 of 2022

Arising Out of PS. Case No.-441 Year-2020 Thana- TURKAULIYA District- East
Champaran

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Anita Kumari, Daughter of Late Paras Nath Singh, W/O Gan Nayak Singh,
Resident of Mohalla- New Chandmari, Akauna Math Road, P.S. - Motihari
Town, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate
		Mr. Akhilesh Dutta Verma, Advocate
For the Opposite Party/s :		Mr. M. K. Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-10-2022 Today this case has been listed on priority basis, on

the urgent motion slip filed by the learned counsel for the

petitioner stating therein that the petitioner is a lady, aged about

60 years.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. N. K. Agrawal, learned senior counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Turkauliya (Banjaria) P.S. Case No. 441 of
2020 registered for the offences punishable under Sections 409,



420 and 120B of the Indian Penal Code.

The prosecution case is based on a written report filed by the informant, who claimed himself to be the Principal of Karpoori Thakur Inter College, Motihari, East Champaran, alleging therein that in compliance of the direction of His Excellency Governor of Bihar, an enquiry was conducted and co-accused Anjani Kumar Singh and other persons were found guilty and accordingly Turkauliya (Banjaria) P.S. Case No. 323 of 2019 was instituted. It is further alleged that co-accused Anjani Kumar Singh had been obstructing continuously in the functioning of the College and in spite of request letter given to the Branch Manager, Bank of India co-accused Anjani Kumar Singh along with the petitioner withdrew Rs.8,72,923/-. It is further alleged that he also made a request to the Branch Manager of the State Bank of India, Chailahan to restrain them from operating the account, but they illegally withdrew Rs.83,11,968/- and misappropriated the same.

Learned senior counsel appearing on behalf of the petitioner submits that from the F.I.R., it would be evident that the entire allegation is revolved around co-accused Anjani Kumar Singh, who was said to be the incharge Principal of the Karpoori Thakur Inter College, Motihari, East Champaran. He



further submits that, in fact, there was a dispute with regard to the post of Principal of the college, in question, for which both the persons were fighting to each other, which resulted into lodging of this case making serious allegation of misappropriation. However, the then incharge Principal, namely, Anjani Kumar Singh, had given a detailed chart of withdrawal and expenditure, as has been mentioned in para.12 of the bail application. He next submits that, in fact, the money was withdrawn by Anjani Kumar Singh, the then incharge Principal of the College and the petitioner, being the senior most teacher, had put her signature on the cheque, as there had never been any restraint order communicated to her nor the Banks have made any such kind of objection. Moreover, the entire money was spent on salary of teachers, staff, as also with regard to repair, renovation and other miscellaneous activities and there are receipts regarding all the expenditures. He next submits that all the expenditure was duly audited by the Chartered Accountant. Learned senior counsel further submits that the co-accused Anjani Kumar Singh, the then incharge Principal of the college, in question, against whom specific allegation has been levelled, has already been granted bail by the learned coordinate Bench of this Court in Cr. Misc. No. 7991 of 2021 vide order dated



21.05.2021. He lastly submits that the petitioner, being a lady and a superannuated teacher, is in custody since 04.07.2022 and moreover the investigation of the crime is already complete and charge-sheet has been submitted, apart from the fact that the evidences are based on documents, which are under the custody of police officials, hence there is no chance of tampering with the evidences, inasmuch, as no custodial enquiry is required.

On the other hand learned APP for the State vehemently opposes the bail application and submits that specific allegation has been levelled against the petitioner that he in collusion with Anjani Kumar Singh withdrew Rs.83,11,968/- illegally and misappropriated the same.

Regard being had to the submissions made on behalf of the parties and considering the materials available on record, specially the fact that the entire allegation revolved around Anjani Kumar Singh, who was the then incharge Principal of the College, in question, has already been granted bail by the learned coordinate Bench of this Court and further the evidences are based on documentary evidence and now after completion of investigation, charge-sheet has been submitted and as such keeping the petitioner behind the bar would serve no further purpose, let the petitioner, named above, be released on bail on



furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Turkauliya (Banjaria) P.S. Case No. 441 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) She will remain physically present on each and every date of trial till disposal of the case.

(iii) She will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, her bail bonds will liable to be cancelled.

(Harish Kumar, J)

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