

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8235 of 2023

Arising Out of PS. Case No.-1137 Year-2021 Thana- COMPLAINT CASE District- Araria

Santosh Kumar Thakur S/o Late Sakaldev Thakur R/o Village- Baluwa
Deorhi, ward no. -11, P.S.- Palasi, Distt- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tarachand Mandal S/o Late Ram Prasad Mandal R/o Village- Baluwa
Deorhi, ward no. -11, P.S.- Palasi, Distt- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kanchan Jha, Advocate
Mr. Madhav Jha, Advocate
For the Opposite Party/s : Mr. Pramod Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-05-2023 Heard learned counsels for the petitioner and the
State.

Petitioner apprehends arrest in a case registered for
the offences punishable under Sections 420, 406, 409, 120(B) of
the Indian Penal Code.

It is alleged that all the F.I.R. named accused persons
including this petitioner committed fraud and misappropriated
Government money by paying salary to this petitioner who was
fraudulently appointed as a Night Guard.

Learned counsel appearing for the petitioner submits
that the petitioner had been appointed on the post of Night
Guard by the appointing authority after due process of



verification and he was only appointed on *ad hoc* basis. He next submits though the wife of the petitioner is serving as a Teacher in the school but she was not the member of the selection committee and as such, all necessary guidelines were followed by the Headmaster in such selection. Moreover, petitioner has already resigned from the said post, on the direction of higher authority. Petitioner has got clean antecedent.

Considering the fact that petitioner has already resigned from the post of Night Guard, let the above named petitioner in the event of his arrest/surrender before the court below within a period of six weeks from today, 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 Judicial Magistrate, 1st Class, Araria in connection with Araria Complaint Case No. 1137-C/2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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