

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21987 of 2023

Arising Out of PS. Case No.-83 Year-2023 Thana- BARUN District- Aurangabad

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Santosh Kumar S/O Late Ramchandra Singh Resident of Village- Teri, P.S.-
Barun, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Ajay Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
25.02.2023, in connection with Barun P.S. Case No. 83 of 2023,
F.I.R. dated 24.02.2023 registered for the offences punishable
under Sections 420, 409 and 34 of the Indian Penal Code.

Allegation against the petitioner is that he had
defalcated the subsidy amount to the tune of Rs. 1,68,264/- of
the State Government since the petitioner was untrained teacher.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that the
allegation as alleged in the F.I.R. is false and fabricated and the
petitioner has not committed any offence as alleged in the F.I.R.



He further submits that as per allegation the petitioner had got the pay scale of the trained teacher but in fact his appointment was on the post of untrained teacher in the year 2004 itself. Learned counsel for the petitioner further submits that the petitioner has no role in getting the salary of the trained teacher instead of untrained teacher and in fact the petitioner had completed his training course in 2009 and the Managing Committee had paid the salary to the petitioner. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 25.02.2023.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Barun P.S. Case No. 83 of 2023, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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