

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28386 of 2023

Arising Out of PS. Case No.-25 Year-2016 Thana- GORIAKOTHI District- Siwan

=====

KAMLESH KUMAR @ KAMLESH KUMAR SAH Son of Late Sita Ram
Sah @ Sita Ram Singh R/o village - Sikatiya, P.S.- Jamo Bazar, District -
Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mrs.Vagisha Pragya Vacaknavi, Advocate
For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the present application for
grant of anticipatory bail in connection with Gorla Kothi/Goreya
Kotthi (Goreya Kothi) P.S. case No. 25 of 2016 instituted under
sections 406, 419, 420, 467, 468, 471, 120(b) of the Indian
Penal Code.

This is second anticipatory bail application filed on
behalf of the petitioner. The earlier anticipatory bail application
of the petitioner was rejected taking into account that there was
specific allegation against the petitioner for making withdrawal
of Rs. 5 lakhs without making any supply of bricks which was
to be used for construction of school building in collusion with



the Headmaster.

The matter was verified by the Superintendent of Police, Saran on the direction of the Court in which the allegations were found to be true.

It has been submitted on behalf of the petitioner that the construction work of the school has already been completed and completion certificate has also been issued by the concerned authority. For the said reason, the second anticipatory bail application of the petitioner be considered. It has further been pointed out that the co-accused has already been granted anticipatory bail in the present case.

Even accepting the submissions made on behalf of the petitioner, a temporary misappropriation has been made and the offence as alleged is constituted. For the said reason, this Court does not want to reconsider the second anticipatory bail application filed on behalf of the petitioner.

The prayer for grant of anticipatory bail in connection with Goria Kothi/Goreya Kotthi (Gorea Kothi) P.S. case No. 25 of 2016 is rejected. However, if the petitioner surrenders in the Court below and prays for bail, the same shall be considered on its own merit without being prejudiced by this order. It will be open to the Court below to consider the submissions advanced



before it and pass appropriate order accordance with law preferably on the same day.

(Sudhir Singh, J)

Pankaj/-

U		T	
---	--	---	--

