

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40010 of 2023

Arising Out of PS. Case No.-3 Year-2021 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

SHIVNATH PANDEY Son of Prahlad Pandey Resident of mohalla - ward no.
10, Mudila, Post - Amba, P.s. - Kutumba, Distt. - Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Director General, Economic Offence Unit, Government of Bihar, Patna, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajiv Ranjan Kr. Pandey, Advocate
For the E.O.U.	:	Mr. Bishwanath Prasad Sinha, Sr. Advocate
		Mrs. Soni Shrivastava, Advocate
For the State	:	Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 12-09-2023 Heard Mr. Rajiv Ranjan Kumar Pandey, learned counsel for the petitioner, Mr. Bishwanath Prasad Sinha, learned senior counsel assisted by Mrs. Soni Shrivastava, learned Advocate for the E.O.U. and learned A.P.P. for the State
2. The petitioner apprehends his arrest in Economic Offence P.S. Case No. 03/2021 registered for the offences punishable under Sections 409, 467, 471 and 120B of the Indian Penal Code and Section 13 (2) read with Section 13 (1) (a) of the P.C. Act, 1988.
3. The petitioner, being a Secretary of Uchchya Vidyalaya, Mali, Aurangabad, which is a non-existent school, is said to have misappropriated huge government money.



4. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case. There is no direct or indirect evidence to show that involvement of the petitioner in the case and he has been made scapegoat only to save real culprits. It is further submitted that the petitioner is an employed persons and he is doing the work of farmer in his ancestral land. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State and learned senior counsel appearing for the E.O.U. vehemently opposing the bail petition submitted that the petitioner is a Secretary of non-existing school and huge amount of government money were transferred in the account of the school and they were misappropriated. It is further submitted that the prayer for anticipatory bail of one similarly situated co-accused has already been rejected by this Court vide order dated 14.07.2023 passed in Cr. Misc. No.19578 of 2023.

6. Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.



However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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