

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47679 of 2023

Arising Out of PS. Case No.-147 Year-2023 Thana- SURYAGARHA District- Lakhisarai

VINOD KUMAR PASWAN Son of Late Ramnandan Paswan Resident of
village - Dighare, P.S.- Surajgarham, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and the
learned APP for the State

The petitioner apprehends his arrest in connection
with Saurajgarha (Manikpur) P.S. Case No.147 of 2023
instituted under Sections 379 and 409 of the Indian Penal Code
lodged on 28.04.2023 by the informant Ranjana.

As per the prosecution story, the informant Block
Education Officer, Kajra lodged FIR stating that the cook of the
Middle School, Mustafapur was taking the rice of mid-day
meal, was caught by villagers. Accordingly, the FIR.

It is the case of the petitioner that he is the
headmaster, at 11:30 AM, the school was closed, he was not
even present in the school, the lady cook already submitted her
explanation that she had purchased the said rice from a shop at
12 O'clock and was going to her house when the villagers



picked her up.

It is his further submission that upon show-cause, an explanation was also given by the petitioner that the school was closed at 11:30 AM, all the teachers had returned and the said cook was taking the rice after purchasing it from the shop.

Learned APP on the other hand opposes the prayer for anticipatory bail stating that it was on his instruction that the mid-day meal rice was moving out of the school.

Considering the submissions put forward by the learned counsel for the petitioner that at 12 O'clock when the alleged recovery of the rice was made at the behest of the local villagers, the school was closed half an hour ago, the petitioner being the headmaster was not even present at the place of occurrence, this Court is inclined to grant him privilege of anticipatory bail.

Let the petitioner be released on anticipatory bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Saurajgarha (Manikpur) P.S. Case No.147 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai,



subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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