

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68073 of 2022

Arising Out of PS. Case No.-44 Year-2016 Thana- KHAJANCHI HAT District- Purnia

SHIV SHANKAR CHATURVEDI @ SHIV SHANKAR CHAUBEY S/O
LATE JAGDISH CHAUBEY @ LATE JAGDISH CHATURVEDY Resident
of village- Bheriya Rahika, P.S.- Sahayak, Post BMP and Dalan, District-
Katihar Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. ASHUTOSH KUMAR SINGH S/O NOT KNOWN Director N.I.V.S. Sudin
Chawk, Near Middle, School, At and P.S.- Bhattar Bazar Purnia.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Sahay, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with K. Hat P.S.
Case No. 44 of 2016 dated 04.02.2016 registered for the offence
under Sections 420, 467, 468 and 471 of the Indian Penal Code.

The petitioner, being Director of NIVS Sudin Chawk,
Near Middle School, Purnia, is alleged to have published
advertisement with respect to providing training in Anganwari
Supervisor, Teacher, Wroker and for that purpose Rs. 200/- each
for general candidate and Rs. 150/- each for SC/ST candidate has
been sought through the advertisement and misappropriated the
amount received from the candidates.



Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that from bare perusal of the F.I.R., it transpires that the beneficiary of the present occurrence is one Ashutosh Kumar. In fact, the petitioner was Director of the NIVS but he has no concern at all with the affairs of co-accused Ashutosh Kumar. He further submits it has come during the investigation that all the letters pertaining to the advertisement in question has been received by the Ashutosh Kumar Singh @ Dabbu Singh, who is the landlord of the building, and he has been granted bail from the court below itself. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 30.07.2022.

Learned A.P.P. for the State on the other hand vehemently opposed the prayer for bail of the petitioner and submits that it has come during the investigation that petitioner was also involved in the alleged occurrence.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnia in connection with K. Hat P.S. Case No. 44 of 2016 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

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

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 antecedent, 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)

brajesh/-

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

