

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63660 of 2022

Arising Out of PS. Case No.-647 Year-2020 Thana- MASHRAK District- Saran

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MOHAN SAH Son of Late Jainath Sah Resident of village - Laguni, P.S.- Panapur, District - Saran, At present posted and working as a Prakhand Teacher in Govt. Upgraded Middle School Deoria, P.S.- Mashrakh, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 21-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406 and 409 of the Indian Penal Code.

Allegedly, petitioner is said to have embezzled an amount of Rs. 18,82,760.31/- by showing the number of beneficiary students as 28344 instead of 19860.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to enmity. The allegation levelled against the petitioner is not specific rather general and omnibus



in nature. It is further submitted that petitioner has been falsely implicated on the basis of false and frivolous complaint lodged by one Sanjay Kumar before the Hon'ble Lokayukta. He further submits that the petitioner has always participated in the inquiry and has submitted the entire documents to the Superintendent of Police, Officer of the Hon'ble Lokayukta, the District Programme Officer (Establishment), Saran and the BEO, Mashrakh, Saran. It is further submitted that the petitioner is not acquainted with full-fledged functioning of the mobile, and therefore, he could not give the details of Mid-day Meal Scheme in IVRS though he used to give physical details regularly and due to the aforesaid reasons, there might be some mismatch in actual number of beneficiaries. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that the petitioner, with an intention to embezzle the government money, gave wrong data regarding the beneficiaries, hence he does not deserve anticipatory bail.

Considering the facts and circumstances of case and argument of the parties, as there is embezzlement of a large amount i.e. Rs. 18,82,760.31/-, I am not inclined to enlarge the



petitioner on bail. The prayer for bail of the petitioner is hereby
rejected.

(Anjani Kumar Sharan, J)

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