

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71883 of 2022

Arising Out of PS. Case No.-1238 Year-2021 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. Ganesh Prasad Singh, Son of Late Raj Narayan Singh, Resident of Village- Chamtha Baikhunt, P.S.- Bachhwara Nagar, District- Begusarai
 2. Nagendra Prasad Singh, Son of Late Ramawatar Singh, Resident of Village- Sahita, P.O. + P.S.- Vidyapati Nagar, District- Samastipur
 3. Sanjay Kumar Singh @ Sanjay Singh, Son of Late Ramchandra Singh, Resident of Village- Alampur, P.S.- Garsiri, P.S.- Vidyapati Nagar, District- Samastipur

... .. Petitioners

Versus

1. The State of Bihar
2. Subodh Kumar, Singh, Son of Late Jaidev Narayan Singh, Resident of Village- Champtha Barkhunt, P.S.- Bachwara, District- Begusarai

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Rajendra Prasad, Senior Advocate Mr. Sunil Kumar Singh, Advocate Mr. Pramod Kumar, Advocate
For the State	:	Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-04-2023 Heard learned senior counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The accused/petitioners named in the complaint apprehend their arrest in connection with Complaint Case No.1238 of 2021 in which cognizance has been taken for the offence punishable under Section 406 read with 34 of the Indian Penal Code.

The crux of the case of the complainant suggest that petitioners along with other co-accused persons misappropriated



the fund of Ugan Triveni Mahavidyalay, Chamtha Mahal, Begusarai.

It is submitted by learned senior counsel appearing on behalf of the petitioners that the allegation as regard to misappropriation of fund is not convincing on its face for the reason that a regular audit was conducted regarding financial activity of the college on regular basis where no such misappropriation appears/surfaced. It is submitted that only for the reason as admitted also through present complaint that petitioner contested election of M.L.C. (Member of Legislative Assembly) where some difference developed with complainant and consequent upon, present false complaint case has been lodged. It is also pointed out that with same set of allegations, co-accused, namely, Suresh Prasad Singh and Nirmala Devi have already been granted anticipatory bail by learned co-ordinate Bench of this Court vide order dated 24.03.2023 passed in Cr. Misc. No.1846 of 2023. While concluding argument, it is submitted that petitioner no 1 is a man of clean antecedent and petitioner nos. 2 and 3 having accused in one more case, where they are on bail and moreover, no ingredients coming out from the given set of fact, which may suggest *prima facie* a case under Section 406 of the Indian Penal Code as alleged. Learned



senior counsel has also pointed out that allegation is not appearing specific against these petitioners.

Learned Additional Public Prosecutor appearing for the State opposes the prayer for grant of bail to the petitioners.

In view of the above-mentioned facts and circumstances, as allegation is not appearing specific, let the above-named petitioners, in the event of their arrest or surrender in the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai/concerned court in connection with Complaint Case No.1238 of 2021 subject to the conditions as laid down under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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