

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28448 of 2024

Arising Out of PS. Case No.-668 Year-2023 Thana- GARKHA District- Saran

1. Sunil Prasad Rai S/O Late Satya Narayan Rai R/O Village- Ramur Khaki Baba Ka Tola, P.S- Garkha, Distt.- Saran.
2. Shiv Kumar S/O Late Sadanand Prasad R/O Mohalla- Arya Nagar, P.S- Chapra Town, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Ms. Mili Kumari, Advocate
For the State	:	Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 08-07-2024 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 406, 409, 120B and 420 of the Indian Penal Code.

3. As per prosecution case, all the accused persons named in the F.I.R., including these petitioners, in connivance with one another, misappropriated a sum of Rs. 2,08,75,208/- between financial year 2017-18 and 2021-22.

4. It is submitted by learned counsel appearing on behalf of the petitioners that during that period, Petitioner No. 1 was cashier and Petitioner No. 2 was Principal-cum-Secretary of the institute. It is further submitted that in the year 2021-22, new governing body and management committee was constituted and professor Kamleshwar Prasad Singh, retired Principal of



Ganga Singh College, became president of that committee, who tried to misuse the fund of the institute, which was opposed by these petitioners and others and several complaints were given to the D.E.O., Saran, on which, after enquiry, the D.E.O., Saran, vide Letter No. 83281 dated 30.06.2022 recommended the Board for removal of Kameshwar Prasad Singh and in retaliation, this false and concocted case has been lodged, to harass these petitioners. A fake audit was done on paper by a private person at the instance of Kameshwar Prasad Singh to implicate these petitioners. Petitioners claim clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances, nature of accusation and clean antecedents of the petitioners, the prayer for grant of anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 4th, Saran, Chapra, in connection with Garkha P.S. Case No.668 of 2023,



subject to condition as laid down under Section 438(2) of the
Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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