

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54190 of 2023

Arising Out of PS. Case No.-61 Year-2023 Thana- SAKSOHRA District- Patna

MUKUND KUMAR Son of Sri Lalan Prasad Singh Resident of village -
Congress Maidan Chondi, ward no. 1, Barh, P.S. - Barh, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey

For the Opposite Party/s : Mr. Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 06-03-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

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

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and is a teacher and
he has been alleged that he misappropriated 1842.250 kilograms
of government rice which was meant to be utilized in the school.
It is next submitted that petitioner has been falsely implicated in
the present case. It is also submitted that since it was rainy
season as such in order to save the rice, the petitioner being in-
charge headmaster at the relevant time of the school in question
had directed his subordinates to keep the rice in a plastic bag so



that the same does not get destroyed during rains. It is also submitted that at the time when the petitioner was handing over the charge of the school, the said fact was also brought to the notice of the concerned authorities. It is next submitted that petitioner has not misappropriated any government rice, though, it may be a case of dereliction of duty, but then dereliction of duty, by no stretch of imagination, can be equated to a criminal case. It is also submitted that the petitioner will not abscond rather will co-operate in the investigation. It is next submitted that petitioner has already been suspended.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Saksohra P.S. Case No. 61 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



6. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioner after giving him an opportunity of hearing.

(Satyavrat Verma, J)

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