

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3484 of 2024

Arising Out of PS. Case No.-140 Year-2023 Thana- BASANTPUR District- Siwan

Permanand Yadav @ Permanand Prasad Yadav (In Charge Principal, S.M. Inter College), Son of Hardeo Yadav , Resident of Village-Basaon, Nawka Tola, P.S.-Basantpur, District-Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Asif Kalim, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Basantpur P.S. Case No. 140 of 2023 registered for the alleged offences under Sections 420, 406 and 409 of the Indian Penal Code.

3. As per prosecution case, allegation against the petitioner is that while working as In-charge Principal, he committed irregularities in the distribution of grant by making payment of grant in two installments to some employees, mentioning the names of those employees in the utility certificate who did not receive any payment and keeping the amount of grant in the college account for those employees,



who did not receive their cheques.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Certain enquiry was conducted by the District Education Officer, Siwan with respect to discharge of some employees as well as distribution of annual grant amongst the employees of the college in question and the petitioner submitted his response to the allegations. The petitioner has not committed any irregularities either in the distribution of grant amongst the college employees or in misappropriating any money received as grant. It is apparent from the FIR that even the money, which could not be paid to the employees and those employees, who refused to receive the cheque was kept in college account and it was not misappropriated. Proper utilization certificates were issued for the year 2007-2009. Everything was explained by the petitioner in his reply. The learned counsel reiterated that there has been no misappropriation or defalcation of any amount from the grant which the college received from the Bihar School Examination Board and the remaining amount which could not be distributed on account of discharge of some of the employees was kept in the college account. The learned counsel further submits that the petitioner has got no criminal history.



5. Learned APP opposes the submissions made on behalf of the petitioner. The learned APP submits that irregularities were committed by the petitioner and some persons received the grant twice and mentioning of names of the persons, who did not receive any money in the utilization certificate, shows irregularities committed by the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague nature of allegation without showing specific material of misappropriation of fund and further considering the possibility of false implication, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-X, Siwan, in connection with Basantpur P.S. Case No. 140 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each



and every date fixed by the court below, if so
required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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