

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40640 of 2025

Arising Out of PS. Case No.-102 Year-2010 Thana- PARASBIGHA District- Jehanabad

Nageshwar Prasad Singh @ Nageshwar Prasad Son of Late Bodh Lali Singh
Resident of village - Harpur, P.S.- Parasbigha, District- Jehnabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 16-07-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Parasbigha Police Station Case No. 102 of 2010, dated 30.08.2010, disclosing offences under Sections 406/409 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, lodged on the basis of written compliant, dated 29.08.2010, by Block Education Officer, Ratni Faridpur, is that financial year-wise DC (Detailed Contingent) bill against the AC (Abstract Bill) bill for Mid Day Meal Programme has not been submitted in the Block Office by the petitioner, namely, Nageshwar Prasad, In-charge Headmaster, Utkramit Middle School, Maulana Chak, and



co-accused Prankaj Kumar, In-charge Headmaster, Primary School, Pandit Bigha in spite of repeated reminders.

4. Learned counsel for the petitioner submits that the petitioner has been made accused in the present case due to grudge and enmity. He next submits that the petitioner, on 06.09.2010 itself, had submitted DC (Detailed Contingent) Bill, for which, Block Education Officer issued a letter no. 5651 for removal of the petitioner's name from the FIR. The police, after investigation, filed final form in favour of the petitioner on 31.03.2011, not sending him for trial, however, learned Magistrate took cognizance against the petitioner on 26.05.2011. He further submits that summon, issued against the petitioner, was not served upon him due to which the process under Section 82 of the Code of Criminal Procedure was issued against him in contravention of provision of law.
5. I have heard learned counsel for the parties and have gone through the materials available on record, including the impugned order.
6. From perusal of the impugned order, it appears that the



summon was issued against the petitioner for his appearance after cognizance, nevertheless, the petitioner did not appear before the learned Court, accordingly, proceeding under Section 82 and 83 of the Code of Criminal Procedure has been initiated against the petitioner.

7. Considering the aforesaid and the fact that the present anticipatory bail application has been filed after much delay of about 15 years and process under Section 82 and 83 of the CrPC has already been issued against the petitioner, I am not inclined to grant privilege of anticipatory bail to the petitioner.
8. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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