

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81212 of 2024

Arising Out of PS. Case No.-580 Year-2023 Thana- ARA NAGAR District- Bhojpur

Vikash Kumar Sinha Son of Late Awadh Narayan Lal Resident of Bank Colony Quarter no 14 Sasaram, Town P.S. - Sasaram dist- Rohtas P/A- DAV Public School Lajpat Nagar Katar Dehari on sone, P.S- Indrapuri Dehri on sone, Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Prasad Gupta, Adv.

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 08-05-2025 Heard Mr. Girdhar Gopal Tiwari, learned counsel for the petitioner, Mr. Raj Ballabh, learned counsel for the State and Mr. Anil Kumar Sinng, learned counsel for the informant/complainant.

2. The petitioner is apprehending his arrest in connection with Ara Town P.S. Case No. 580 of 2023, F.I.R dated 23.07.2023 registered for the offences punishable under Section 406 of the IPC.

3. As per prosecution case, the petitioner, as alleged, has defalcated the paid fees of the DAV Public School amounting to Rs. 74,71,778/- (Seventy four lacs seventy one thousand seven hundred and seventy eight). It is further alleged that after accepting his mistake, he has paid Rs. 20,000,00/- (Twenty Lacs) *vide* Check No. 948506 dated 14.12.2022 but he



is now adopting lackadaisical approach in paying the rest of the amount i.e., Rs. 54,71,778 (Fifty Four lacs, seventy one thousand seven hundred and seventy eight).

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and has falsely been implicated in the present case. It appears from the FIR that the allegation against the petitioner is of misappropriating the amount to the tune of Rs. Rs. 54,71,778/- (Fifty Four Lacs, seventy one thousand seven hundred and seventy eight). Out of the said amount the petitioner has paid Rs. 20,000,00/- in the month of December, 2022 and thereafter, the informant has produced a calculation chart dated 24.09.2024 which suggests that on the date of filing the present FIR, final outstanding amount to be paid by the petitioner is in tune of Rs. 36,25,725/- (Thirty six lacs twenty five thousand seven hundred and twenty five).

5. Learned counsel for the petitioner, on instruction, submits that the petitioner is ready to pay Rs. 5 Lacs at the time of furnishing bail bond and has also given an undertaking that he will also get the necessary document issued for realization of PF amount in favour of the School. The PF amount is to the tune of Rs. 10,55,205/-. The rest amount of Rs. 20,70,520/- will be paid within the period of 24 months in equal installments. If the



petitioner fails to pay the aforesaid amount in favour of the school, the informant will be at liberty to move to the learned trial court for cancellation of his bail bond.

6. Learned counsel for the petitioner is directed to produce the Demand Draft in favour of DAV Public School, Dhanupara, Ara at Bhojpur. Learned trial court is directed to handover the said Demand Drafts to the informant/DAV Public School, Dhanupara, Ara at Bhojpur.

7. Considering the aforesaid facts as also the undertaking of the petitioner that he will be paying the rest amount of Rs. Rs. 20,70,520/- will be paid within the period of 24 months in equal installments to the informant/DAV Public School, Dhanupara, Ara at Bhojpur, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with aforesaid P.S. Case subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-



i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

perwez

U		T	
---	--	---	--

