

(2021) 01 PAT CK 0257

In the Patna High Court

Case No : Criminal Miscellaneous No. 30674 Of 2020

Basudeo Yadav

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 29-01-2021

Acts Referred:

Indian Penal Code, 1860 — Section 406, 409, 467, 468
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2021) 01 PAT CK 0257

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Yogesh Chandra Verma, Javed Aslam, Sanjay Kumar Pandey

Final Decision : Disposed Of

Judgement

1. Heard Mr. Yogesh Chandra Verma, learned senior counsel along with Mr. Javed Aslam, learned counsel for the petitioner and Mr. Sanjay Kumar

Pandey, learned Additional Public Prosecutor (hereinafter referred to as the APP) for the State.

2. The petitioner apprehends arrest in connection with Katoria PS Case No. 164 of 2019 dated 01.09.2019, instituted under Sections 406, 409, 467 and 468 of the Indian Penal Code.

3. The allegation against the petitioner is that he was the previous Principal of SSP Yadav Intermediate College, Katoria in the district of Banka and upon retirement had not handed over the documents of the college and had also misappropriated Rs. 15 lakhs.

4. Learned counsel for the petitioner submitted that besides the merits of the matter, he has deposited Rs. 15 lakhs as also interest of Rs. 3 lakhs

thereon through RTGS into the account of the college which is admitted by the

letter of the present Principal of the college, copy of which is

Annexure-2 to the application. It was submitted that the petitioner now being retired, the Court may grant indulgence, especially in view of him paying

not only the amount which is alleged but also Rs. 3 lakhs interest thereof. It was further submitted that the petitioner has no criminal antecedent.

5. Learned APP submitted that the petitioner had not only kept with him the entire records but also misappropriated Rs. 15 lakhs.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender

before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five

thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in Katoria PS Case No. 164 of

2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a

close relative of the petitioner, and (ii) that the petitioner shall cooperate in the case and be present before the Court on each and every date. Failure

to cooperate or being absent on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds.

7. The application stands disposed off in the aforementioned terms.