

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.25162 of 2015**

**With**  
**Interlocutory Application No.856 of 2015**

Arising Out of PS.Case No. -3 Year- 2015 Thana -PAKARIBARAW District- NAWADA

Rajendra Singh, son of Late Kesho, resident of village-Dumrawan, P.S.-  
Pakaribarawan, District-Nawada

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Krishna Deo Raj

For the Opposite Party/s : Mr. G.S.Gupta, APP

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

2 28-05-2015

Heard.

The petitioner seeks bail in a criminal prosecution registered under Sections 406, 409, 420, 467, 468 and 419 of the Indian Penal Code. I.A.No.856 of 2015 has been filed for grant of provisional bail to the petitioner on the ground of hospitalization of his son in a hospital at Patna, if his bail petition is not taken up on merit.

It is submitted that the petitioner is not named in the FIR vide Annexure-1 as an accused. It is contended that, as per the prosecution case, FIR named accused Raghunath Pandit, the in-charge headmaster of Inter College, Pakaribarawan, is alleged to have created forged documents showing admission of 217 students on the basis of forged transfer certificates and thereafter he is alleged to have withdrawn the money meant for distribution of Bicycle, school dress and scholarship etc. amongst those students and thereby he is alleged to have defalcated the public money. It is further submitted that the petitioner is merely posted as peon in that Inter College and he could not have played any role for

committing forgery of the documents for admission of those 217 students. It is pointed out that only material against the petitioner is that his two daughters and one son were also shown to have been admitted in that Inter College.

Learned Addl. P.P. appearing on behalf of the State though has opposed the prayer for bail, but has not been able to dispute the aforesaid submissions made on behalf of the petitioner.

Taking into consideration the fact that the petitioner is not named in the FIR as an accused and he is in judicial custody since 13.04.2015, his prayer for bail is allowed.

The petitioner above named is directed to be released on bail on furnishing bail bond of Rs.25,000/- with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Nawada in connection with Pakaribarawan P.S.Case No.03 of 2015, subject to the conditions that:

- (a) One of the bailors must be government servant or close family member of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (b) if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;
- (c) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every

date, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

I.A.No.856 of 2015 stands accordingly disposed of.

**(Birendra Prasad Verma, J)**

Arvind/-

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