

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.369 of 2015

Arising Out of PS.Case No. -24 Year- 2013 Thana -PHENHARA District-
EASTCHAMPARAN(MOTIHARI)

Amzad Kamal, Son of Kamaluddin Ahmad, Resident of Village + P.S-
Phenhara District-East Champaran at Motihari

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Radha Mohan Pathak, Advocate

For the Opposite Party/s : Mr. Dr.Kr.Uday Pratap(App)

CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

4 11-03-2015 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 406, 409, 420, 467, 468 and 120B of the Indian Penal Code.

The allegation against the accused including the petitioner is to have taken money without constructing the building.

It is submitted that the petitioner is neither the contractor nor the Engineer. He has only supplied the material to be used in the construction of the building. During investigation, it has been found that the building has already been constructed and the students are living in that building. The building was to be constructed by the Building Construction Committee consisting of the Headmaster of the Middle School, Phenhara, Block Education Officer and the others and not the petitioner. During investigation, it has also been found that the

building has already been constructed with the material supplied by the petitioner for which payment was made to him. The petitioner is in custody since 1.11.2014 having no criminal antecedent.

The learned counsel for the State could not controvert the contention of the petitioner while opposing his prayer for bail.

Considering the facts and circumstances of the case, let the above-named petitioner be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in Phenhara P.S. Case No.24 of 2013 with the following conditions :

1. One of the bailors will be the close relative of the petitioner.
2. The petitioner will not indulge in similar or in any other offence.
3. The petitioner will be well represented in the court.
4. In case of absence for two consecutive dates or in violation of the terms of the bail, his bail bond will be liable to be cancelled by the court concerned.

(Amaresh Kumar Lal, J)

V.K. Pandey/-

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