

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18190 of 2015

Arising Out of PS.Case No. -112 Year- 2014 Thana -MADHEPUR District- MADHUBANI

1. Jagdish Mochi S/o Late Pulkit Mochi resident of village - Malin Belha, P.S.- Lalmania, District - Madhubani and the retired Headmaster, Upgrade Middle School, Tola - Bochahi

2. Anil Kumar Yadav, S/o Late Rameshwar Yadav resident of village - Tardiha, Tola - Bochahi, P.S. Madhepur, District - Madhubani

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH  
ORAL ORDER

2 09-09-2015

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Madhepur P.S. Case No. 112 of 2014 registered under Sections 420, 406 and 409 read with 34 of the Indian Penal Code.

According to the FIR, the petitioner no. 1 and 2 being Headmaster and Secretary of Upgraded Middle School, Bochahi withdrew Rs. 5,25,000/- for construction of three rooms of the school under Sarva Shiksha Abhiyan. However, Rs. 2,11,737/- was spent and only partial construction was done. The allegation is that the petitioners have embezzled the remaining amount of

Rs. 3,23,821/-.

It is contended that the fact of the matter is that the petitioners have already deposited the unspent amount i.e., Rs. 3,23,821/- vide D.D. No. 552298 on 28.07.2014. It is further contended that the petitioners could not complete the work of construction due to the reason that one Suresh Yadav claimed the land over which the rooms of the school were being built to be his own and he did not allow further construction of the school building.

Learned counsel for the State has opposed the prayer for anticipatory bail of the petitioners. He has submitted that it is an admitted case of temporary embezzlement.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender within a period of four weeks from today, the petitioners are directed to 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 A.C.J.M., Jhanjharpur in connection with Madhepur P.S. Case No. 112 of 2014 subject to the conditions as laid down under Section 438(2) Cr. P.C.

**(Ashwani Kumar Singh, J.)**

Sanjeet/-

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