

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40395 of 2014

Arising Out of PS.Case No. -11 Year- 2014 Thana -SALIMPUR District- PATNA

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1. Upendra Kumar, Son of Rameshwar Das, Resident of Village – Bihta, P.S. – Salimpur, District – Patna, Ex-officio Member, Kanya Prathmik Vidyalaya, Bihta.
 2. Brij Nandan Prasad, Son of Late Kirpali Prasad, Resident of Village – Kurtha, P.S.- Hilsa, District – Nalanda, and present Ex-officio Member, Kanya Prathmik Vidyalaya, Bihta.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Rajnish Kumar, Advocate.

For the Opposite Party : Dr.Indiwar Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 08-05-2015 Heard both sides.

The petitioners apprehend their arrest in Salimpur P.S. Case No. 11 of 2014, registered for the offences punishable under Sections 420, 409 and 120B of the Indian Penal Code.

The Block Education Officer alleged that the petitioner no. 1 Upendra Kumar was entrusted with the construction of school building at the estimated cost of Rs. 10,22,000/-. Brij Nandan Prasad petitioner no. 2 is the present secretary of the school. The informant alleged that Upendra Kumar received Rs. 10,22,000/- in the year 2008-09, but the school building has not yet been constructed.

Learned counsel for the petitioners submits that the petitioners constructed the building and still the construction work is going on. From perusal of Annexure-2, it would appear that the

petitioner did the works of Rs. 10,05,462/-, but it does not bear the signature of the sanctioning authority. Only DC bill was submitted.

Considering the facts aforesaid and the fact that petitioner no. 1 Upendra Kumar was entrusted with the construction of school building, but he did not complete the work within time, I am not inclined to enlarge the petitioner no. 1 Upendra Kumar above named on anticipatory bail. Accordingly, the same is rejected.

So far as case of petitioner no. 2 Brij Nandan Prasad is concerned he is, of course, the present secretary of the school, but he was not entrusted with any money for construction of the school building, accordingly, petitioner no. 2 Brij Nandan Prasad, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Ranvijay Kumar, the learned Judicial Magistrate, 1st Class, Barh, Patna in connection with Salimpur P.S. Case No. 11 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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