IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41218 of 2015

Arising Out of PS.Case No. -89 Year- 2011 Thana -RAFIGANJ District- AURANGABAD

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1. Akhilesh Prasad S/o Rajendra Prasad, resident of Village- Rajwara, P.S.- Fesar, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rakesh Singh
For the Opposite Party/s : Mr. Shailendra Kr. 2(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 08-10-2015 Petitioner being Headmaster of the school is apprehending his arrest in a case registered for the offences punishable under Section 409 of the Indian Penal Code.

The prosecution case is that Rs. 1,26,000/- was given to the petitioner being Headmaster of the school with regard to the construction of school building and Rs. 40,000/- was given for repair of the school building but D.C bills of the same were not submitted.

It is submitted by learned counsel for the petitioner that now D.C bill has already been submitted. Moreover much prior to lodging of the present case, no due certificate was issued in favour of the petitioner on 23.06.2008. A statement to that effect has been made in para 8 of the petition which reads as follows:-

"That it is relevant to mention

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here that much prior of lodging of the present case petitioner got No dues certificate on 23.06.2008 i.e. before his reliving to the place where alleged AC/DC Bill not submitted.

It is further submitted that similarly situated co-accused have been granted anticipatory bail vide Cr. Misc. Nos. 40880 of 2013, 41720 of 2013, 44945 of 2013.

A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Rafiganj P.S. Case No. 89 of 2011, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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