

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51900 of 2014

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

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1. Kapildeo Prasad @ Kapil Deo Kumar S/o Baldeo Pd r/o village -
Amarpura East, P.S. Rafiganj, in the District of Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Dr.M.K.Gautam(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 26-05-2015 Heard the Counsel for the petitioner and the APP for
the State.

Petitioner, being the Incharge Headmaster of the
Middle School, was allegedly advanced a sum of Rs. 40,000/- in
the year 2009 for carrying out repairing work in the school
premises. It is alleged that the same was not done. Accordingly,
the F.I.R. was lodged under diverse provisions of Penal Code
including Section 402IPC. Apprehending arrest therein, the
present application for anticipatory bail has been filed.

Contention of the petitioner is that in course of
investigation, it was found that work was carried out. Petitioner
after completion of work had submitted the bills but he could not
get receipt. It is alleged that the petitioner has not been paid his

due salary since last few months. Petitioner shall have no objection if the respondents while paying him his arrears of salary withheld a sum of Rs. 40,000/- subject to disposal of the present criminal proceeding.

In view of the aforesaid, this Courts that in the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to 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 Rafiganj P.S. Case No. 89 of 2011 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner secure his arrest in accordance with law.

It will be open to the State respondents/informant to withhold a sum of Rs. 40,000/- while making payment of arrears

of salary to the petitioner subject to disposal of the present criminal proceeding.

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(Kishore Kumar Mandal, J)