

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5030 of 2014

Arising Out of PS.Case No. -62 Year- 2013 Thana -GOPALPUR District- PATNA

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Lal Bihari Rai, Son of Late Banke Bihari Rai, Village - Kamla Gopalpur,
P.S. - Maner, District - Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lovekush Kumar, Advocate

For the Opposite Party/s : Mr. Nazir Ansari(APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

5 07-01-2015 Heard learned counsel for the petitioner and
learned counsel representing the State.

The petitioner apprehending his arrest in connection with Gopalpur P.S. Case No. 62 of 2013 registered for the offence under Section 409 of the Indian Penal Code seeks privilege of pre arrest bail.

Allegedly, the petitioner being in-charge Headmaster withdrew Rs. 1,000,00/- from the account of building construction committee as being the Director of Kasturba Gandhi Residential Girls School, Sampatchak, but did not got the building constructed and Rs. 8,000,00/- also withdrew from the account of Kasturba Gandhi Management Committee, for which he did not handover the charge of Kasturba Gandhi Residential Girls School, Sampatchak to the present in-charge, due to which the Management of the school

remained stopped.

Submission is that the petitioner being the in-charge and co-accused Sangeeta Devi being the Secretary of the school committee signed on the cheques and it was disbursed to the right persons and hence, there is no defalcation at all. Further submission is that Sangeeta Devi has been allowed pre arrest bail vide Cr. Misc. no. 5120 of 2014 and all the retiral benefits of the petitioner has been withheld. The attention has been drawn towards Annexure-2 series and Annexure-3 series showing that the amount has been rightly disbursed to which the learned A.P.P. opposes.

Considering the aforesaid facts and noticing that co-accused Sangeeta Devi has been allowed pre arrest bail, in case of arrest or surrender before the court below within one month from the date of receipt/production of a copy of this order, the petitioner namely Lal Bihari Rai, shall be released on bail on execution of bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in connection with Gopalpur P.S. Case No. 62 of 2013 with condition as laid down under Section 438(2) Cr.P.C.

(Jitendra Mohan Sharma, J)

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