

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9416 of 2015

Arising Out of PS.Case No. -315 Year- 2011 Thana -SAUR BAZAR District- SAHARSA

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1. Md. Jahid Ahmad @ Md. Zahid Ahmad Son of Sakir Ahmad Resident of
Quarter No. 62, I.T.C. Colony, Shankarpur, Munger, Police Station -
Munger Muffasil, District - Munger

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar

For the Opposite Party/s : Mr. M.Haque(App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 30-07-2015

Heard learned counsel for the petitioner and the State.

In this case, petitioner is seeking bail in Sour Bazar
(Patarghat O.P.) P.S.Case No. 315 of 2011 registered u/s 467, 471,
419, 420, 406, 409 and 120B IPC.

In this case allegation has been made of defalcation
of Government fund amounting to Rs.05,05,54500/- (five core,
five lac, fifty four thousand and five hundred). Petitioner w as
appointed as I.T. assistant and he was give Rs.3,38,000/ (three lac
and thirty eight thousand) for construction of 41 toilet and during
investigation it was found that none of the toilets has bee
completed but left half way.

Counsel for the petitioner submits that the total cost
of each toilet was of Rs.60,000/- but petitioner was given in

advance of Rs.7,500/- each. It is further submitted that petitioner spent all the amount in the aforesaid construction except the amount of seven cheques which are still lying with him. Petitioner was working as I.T. Assistant but was given a contract of construction of 41 toilets and has not misappropriated the Government fund but has wrongly been implicated in this case.

Counsel for the States that none of the toilets is complete.

Looking to the facts and circumstances of the case, in the event of arrest or surrender within six weeks from to-day, petitioner Md. Jahid Ahmad @ Md. Zahid Ahmad, is directed to be released on anticipatory bail on his furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Saharsa in Sour Bazar (Patarghat O.P.) P.S.Case No. 315 of 2011, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure and subject to the condition that he deposits Rs.50,000/- (fifty thousand) within six weeks from to-day in the court below which will be invested in some fixed deposit scheme so as to fetch handsome interest, which will be subject to result of this case.

Petitioner is also directed co-operate with the

investigation of the case and will submit himself before Police for interrogation whenever it is required and, in failure, the court below will be at liberty to pass appropriate order, including cancellation of his bail bond.

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(Shivaji Pandey, J)