

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26184 of 2015

Arising Out of PS.Case No. -4 Year- 2014 Thana -KANHAULI District- SITAMARHI

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1. Raghunath Ram Son of Late Firangi Ram resident of village - Sarwarpur, P.S. Sonbarsa, District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa

For the Opposite Party/s : Mr. Aditya Narayan Singh - 1(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 16-07-2015 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with Kanhauli Police Station Case No. 04 of 2014 registered for the offences punishable under Section 406, 409, 420 of the Indian Penal Code.

Petitioner was head master of primary school, Muhchatti and he was entrusted to get constructed some buildings for which he took advance of Rs. 15 lacs but allegedly he did not complete the work and defalcated the amount.

The contention on behalf of the petitioner is that the allegation of defalcation of the amount is totally false and as a matter of fact, the construction work was started but due to some

reasons the construction work could not be completed within time and petitioner was directed by the concerned authorities to ensure the completion of the work but in haste manner the informant of the present case lodged this case. It is further contended on behalf of the petitioner that petitioner undertakes to complete the work in question within four months

Considering the aforesaid facts and circumstances as well as assurance given by the petitioner, let in the event of his arrest/surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi in Kanhauli Police Station Case No. 04 of 2014, subject to condition as laid down under Section 438(2) of the Cr.P.C, subject to condition that he shall complete the construction work entrusted to him within six months and shall report to the lower court regarding the completion of the work and if petitioner does so, the concerned court shall take steps to get verification of the report of the petitioner from the concerned authorities and it is made clear that if the petitioner fails to complete the work within the above stated period of six months or on verification the statement of the petitioner is found incorrect

the trial court shall cancel the bail bonds of the petitioners.

(Hemant Kumar Srivastava, J)

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