

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39638 of 2014

Arising Out of PS.Case No. -233 Year- 2013 Thana -SIMRI BAKHTIARPUR District- SAHARSA

=====

Md. Mustafa Son of Md. Samid Resident of Village - Breawa Tola,
Sitanabad, P.S. - Bakhtiarpur, District - Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 16-04-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offences punishable under Sections 341, 323, 379, 406, 420, 504 and 506 of the Indian Penal Code and the specific allegation against the petitioner, a contractor, who was allotted such work despite payment of Rs. 4, 52, 600/- made to him for construction of the School building, he had not completed the same and the defence of the petitioner that such amount was never paid in full by the Headmaster or that the petitioner had already completed the work of Rs. 4,52,600/- can be only examined after the petitioner surrenders and produce the materials in

support of his claim. For the time being, it is the Government money which has been embezzled by the petitioner for which this Court finds sufficient materials by way of entry of the amount either in Annexure-1, in FIR or in Annexure-3, the endorsement made by the petitioner in writing.

In that view of the matter, the prayer for anticipatory bail of the petitioner is hereby rejected.

Nothing said in this order, however, will come in the way of the petitioner in surrendering before the Court below and praying for regular bail.

(Mihir Kumar Jha, J)

Ranjan/-

U			
---	--	--	--