

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14006 of 2016

Arising Out of PS.Case No. -96 Year- 2015 Thana -CHANDRADEEP District- JAMUI

1. Shyam Kumar Son of Late Bindeshwari Mahto, resident of village-
Aliganj, P.S. Chandradeep, District- Jamui at present Headmaster Upgraded
Middle School, Islampur, as well as In charge Kasturba Gandhi Balika
Vidyalaya, Aliganj, District- Jamui

.... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra

For the Opposite Party/s : Mr. Jagdhar Pd.(App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 12-05-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with
Chandradeep P.S. Case No. 96 of 2015 registered for the offences
punishable under Sections 409, 406, 420, 422, 120-B, 504, 506/34
of the Indian Penal Code.

This case has been registered on the basis of complaint
petition with allegation that the complainant/informant supplied
cement, iron rod, sand etc. amounting to Rs. 4,60,250/- to the
petitioner for construction of boundary wall of Kasturba Gandhi
Girls School and in spite of request made by the informant, the
petitioner did not pay the said amount in spite of amount received
by the department.



Submission is of false implication and that the petitioner has got no criminal antecedent, the informant has not produced any bill or receipt which was signed by the petitioner, the petitioner refused to pay any money to the informant without any bill on which there was receiving by the school authorities and then, he lodged this false case and after bringing the police in collusion got petitioner arrested resulting he is suffering in custody since 18.01.2016. Co-accused Nakat Yadav has already been allowed bail vide Cri. Misc. No. 18564 of 2016 by another co-ordinate Bench of this Court. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that the informant has produced the bills which are mentioned in para 43 of the case diary and further from para 52 of the case diary it reveals that the petitioner received amount in the account of school and on the same day got it transferred in his own account amounting to Rs. 4,00,000/-

In the facts and circumstances stated above, considering the detention of the petitioner and further that there is no chance of tampering with the prosecution evidence, now the

petitioner, above named, is directed to 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 Sri. Sanjay Kumar, learned Judicial Magistrate, 1st class, Jamui, District Jamui in connection with Chandradeep P.S. Case No. 96 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

sushma/-

U		T	
---	--	---	--