

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23894 of 2016

Arising Out of PS.Case No. -168 Year- 2015 Thana -GOH District- AURANGABAD

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Surendra Mishra son of Late Ramsanahi Mishra, Resident of village- Pali,
P.s.- Konch, Dist.- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kulanand Jha

For the Opposite Party/s : Mrs. Gulnar Begum,(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 10-08-2016 Let supplementary affidavit filed on behalf of the

petitioner be kept on the record.

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in Goh

P.S.Case No.168 of 2015 for the offence under Sections 420 and

409 of the I.P.C.

Case diary in the present case which was called for,

has now since been received.

It has been submitted by the learned counsel that

there is an allegation against the petitioner regarding non-

completion of the construction of the school building for which he

had drawn money but had not executed the project. As such, the

petitioner is guilty of misappropriation of the amount.



Learned counsel for the petitioner submits that the construction of the school building could not be completed on account of the fact that certain hindrance was created by one Gopal Yadav because land of the Gopal Yadav is situated adjacent to the land of the school and he demanded passage from the school's land upon which the petitioner refused to do so. He further submits, that though he had already purchased all the materials for construction work of school building, but on account of the hindrance created by Gopal Yadav, the petitioner could not complete the construction thereof for which the money was drawn by the petitioner. However, he had already invested the money for purchasing the materials for construction of school building.

A supplementary affidavit has been filed, wherein it has been clearly stated that the petitioner being Incharge of the school has started the construction of the school building from the sanctioned money allocated by the government for which he hired labourers and had purchased constructions materials for the construction work such as cement, bricks and iron rod etc. which are indicating the bona fide of the petitioner. He has also brought on records the receipts of the said purchases.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or

surrender before the court below within four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the C.J.M., Aurangabad, in Goh P.S. Case No.168/15 subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(Anjana Mishra, J)

AnilKrSinha/-

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