

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42513 of 2016

Arising Out of PS.Case No. -117 Year- 2016 Thana -PURNEA SADAR District- PURNIA

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Hari Priya Das Daughter of Basant Kumar Das, Resident of Maharaji Hata,
Janta Chowk, P.S. K.Hat, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Sri Tapeswar Sharma

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 06-10-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered under

Sections-406, 409 and 420 of the Indian Penal Code.

Petitioner was Head mistress of Primary School, Kali
Asthan, Sadar, Purnea and she withdrew Rs. 4,70,000/- for
construction of school building under the scheme of Year 2008-09
but she failed to get the building constructed and, allegedly, she
embezzled the aforesaid amount.

Submission on behalf of petitioner is that the above-
said school was running in a building on temporary basis and,
subsequently, the government allotted land for construction of
building of the school but the land could not be measured despite



several requests of the petitioner. It is further submitted that the petitioner had already given advance to the proprietor of a company for supply of bricks and other materials but due to non-measurement of allotted land, the construction work could not be started. It is further submitted that when the petitioner got information, regarding the institution of the present case, she made attempt to return the amount, taken by her but the concerned authorities expressed their inability to accept the amount because the account of the concerned school had already been seized by police. It is further submitted that the petitioner is still ready to deposit Rs. 4,70,000/- with the concerned school.

Considering the above-said facts and circumstances of the case as well as submission of the parties, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Sadar P.S. Case No. 117 of 2016 to the satisfaction of learned Chief Judicial Magistrate, Purnea subject to condition that within a month from the date of her release, she shall deposit Rs. 4,70,000/-with the concerned school and if, the petitioner does so, the investigating officer as well as the concerned authorities shall permit the petitioner for depositing the above-said amount.

However, it is made clear that if, the petitioner fails to do so, during the above said period, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner after due and proper inquiry.

(Hemant Kumar Srivastava, J)

A.K.V./-

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