

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32930 of 2016

Arising Out of PS.Case No. -42 Year- 2016 Thana -KHAJAULI District- MADHUBANI

Jay Narayan Mahaseth, Son of Late Nathuni Mahaseth, Resident of Village-
Jay Nagar, P.S.- Jay Nagar, District- Madhubani

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party : Mr. Narsingh Tanti (APP)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 20-10-2016 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection
with Khajauli P.S. Case No. 42 of 2016 registered for the offences
punishable under Sections 406 and 409/34 of the Indian Penal
Code.

Learned counsel for the petitioner submits that though
the petitioner was the Headmaster of the Middle School, Kapariya
in which he along with the Secretary of School, namely, Smt. Rita
Devi were assigned the duty of construction of school building.
The petitioner along with the said Rita Devi had withdrawn money
to the tune of Rs.9,91,000/-, but only an amount of Rs.7,72,000/-
was expended towards construction of the school building.



However, an amount of Rs.2,19,000/-, which was taken by way of advance was not accounted nor any construction was made after the said amounts were withdrawn. Counsel for the petitioner however submits that though money was withdrawn but subsequently a decision was taken that construction of the school building made by one Ashok Kumar Singh who was one of the members of the Vidyalaya Siksha Samiti and the rest amount was handed over to him, who took over the responsibility of construction of the school building. Moreover the period in which the said event took place was of the year 2006-2007, the petitioner was transferred from the said school thereafter and he has now superannuated in the year 2008. However, after a lapse of nearly 9 years, the present FIR has been instituted. The petitioner being away from school and having already superannuated cannot tamper with any evidence and whatever be the outcome of the allegations, the petitioner is willing to face trial and co-operate, as such, he may be extended the privilege of anticipatory bail.

Considering the nature of allegations made the period in which the said transaction is said to have been taken place and that the petitioner has already been superannuated from service, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date

of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sri Vivek Vishal, Judicial Magistrate, 1st Class, Madhubani, in connection with Khajauli P.S. Case No. 42 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J.)

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