

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41275 of 2016

Arising Out of PS.Case No. -513 Year- 2016 Thana -MADHEPURA District- MADHEPURA

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Devsharan Yadav son of Late Adhik Lal Yadav resident of Village- Barsam, P.S.- Sonbarsa (Basnahi), District- Saharsa at present resident of Mohalla- Shastrinagar, Madhepura, Ward No. 19 Bye Pass Road, P.S. & District- Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Adv.

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 11-11-2016 Heard both sides.

The petitioner apprehends his arrest in Madhepura P.S. Case No. 513/2016, registered for the offences punishable under Sections 409 and 420 of the Indian Penal Code.

The petitioner was entrusted to construct eight toilets in different schools at the rate of Rs. 40,000/- with advance of Rs. 3,20,000/-, but the petitioner did not construct the toilets in the schools.

The Public Information Officer-cum-Superintending Engineer admitted this fact before the Information Commissioner in case bearing no. 98810/2013-14.

Learned counsel for the petitioner submits that the

petitioner was not entrusted with any advance. The report shows that some constructions were made. The petitioner is ready to refund the amount. The co-accused Ravindra Nath Chourasia Junior Engineer has already been granted anticipatory bail on condition of payment of half of the alleged defalcated amount.

Considering the facts aforesaid, if the petitioner deposits Rs. 3,20,000/- within two months from the date of receipt/production of a copy of this order, the petitioner above-named in the event of his arrest or surrender before the court below is directed to 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 Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No. 513/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

If the petitioner fails to deposit Rs. 3,20,000/- within two months learned court below shall positively cancel the bail bond of the petitioner.

(Prabhat Kumar Jha, J.)

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