

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1206 of 2016

Arising Out of PS.Case No. -129 Year- 2015 Thana -DHANAHA District-
WESTCHAMPARAN(BETTIAH)

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Kishundeo Prasad Son of Late Sudarshan Prasad Resident of Village-
Mushari, P.s Dhanaha, District West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Srivastava

For the Opposite Party/s : Mr. B.M.P.Sinha(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 22-04-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner, who is the in-charge Head Master of the
school in question is apprehending his arrest in connection with
Dhanaha P.S. Case No. 129 of 2015 registered for the offences
punishable under Section 409 of the Indian Penal Code.

The allegation against the petitioner is that he failed to
complete the school building for which he had been allocated
funds and which were withdrawn by him.

Learned counsel for the petitioner submits that he is
willing and ready to execute the construction work but the
hindrance was created by one Sambhu Ram, who has been laying
claim over the land in question on which the proposed



construction was sought to be made. It is further submitted that even as on date, he tried to complete the construction work but the said Sambhu Ram again prevented him from proceeding further. It is further submitted that the Circle Officer of the Madhubani (West Champaran) has written to the Block Education Officer Madhubani (West Champaran) vide his letter No. 184 dated 17.02.2016, stating that the claim of the said Shambhu Ram is unfounded, and as such, there does not appear any hindrance to the petitioner to conclude the construction work. In pursuance of this letter, an assurance was also granted by the S.P. Madhuban to the petitioner.

Considering the aforesaid facts and circumstances of the case and also the fact that the petitioner undertakes to conclude the construction work within a period of six weeks from the receipt/production of certified copy of the present order, 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, is/are directed to be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the A.C.J.M., Bagha in connection with Dhanaha P.S. Case No. 129 of 2015, subject to the conditions as laid down

under Section 438(2) of the Cr.P.C.

However, it is made clear that if the construction work is not completed within the aforesaid period undertaken by the petitioner, it will be open for the District Authorities to move this Court for cancellation/modification of this order.

(Anjana Mishra, J)

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