

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50602 of 2016

Arising Out of PS.Case No. -356 Year- 2016 Thana -SAUR BAZAR District- SAHARSA

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1. Balram Jakhar Son of Bindeshwari Prasad Mandal Resident of Village-
Bhaptiya, P.S. Sour Bazar, District Saharsa at Present Prakhanda Teacher Up
graded Middle School Hanuman Nagar Chakla P.S. sour Bazar, District
Saharsa

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Amarnath Jha, Adv.

For the Opposite Party : Mr. Shyam Kumar Singh, APP 138

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 22-12-2016

Heard the learned counsel for the petitioner and the
State.

This is a petition for grant of anticipatory bail for
offence under Sections 406, 409 and 34 of the Indian Penal Code.

Allegation against the petitioner is that he was a
teacher of referred school and was assigned execution work to
construct two class rooms in the school. The petitioner withdrew
Rs.6,76,000/- and started construction work without consulting the
Junior Engineer in arbitrary manner as such allegation is that he
misappropriated the amount.

Submission of the petitioner is that when the
petitioner failed to grieve the palm of the Junior Engineer, false
first information report was lodged. In fact, only after
measurement and sanction of the proposed construction, the
amount is sent for expenses, therefore, it was implied that the plan
was also sanctioned. The expenses were also sanctioned. If the
work was being prosecuted without consulting the Junior
Engineer, he should have come specifically as to what wrong or
deviation was committed in the construction of the school



building. His contention is that the petitioner has spent money in the construction of the building, therefore, it requires measurement by the independent Engineer as to what extent the construction has been made and what would be the expenses in that construction. The petitioner is ready to refund the remaining amount and is also ready to complete the construction, if allowed.

Considering the entire facts and circumstances the petitioner, above named, shall deposit fifty per cent of the total amount in the same account or in any other Government Bank account suggested by the informant in writing and thereafter the petitioner, in the event of his arrest or surrender, within six weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with **Sour Bazar P.S. Case No. 356 of 2016 (G.R. No. 2371 of 2016)** to the satisfaction of the **Chief Judicial Magistrate, Saharsa**, or successor Court, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Birendra Kumar, J)

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