

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6222 of 2016

Arising Out of PS.Case No. -339 Year- 2014 Thana -NARPATGANJ District- ARRARIA

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1. Ganga Ram Block Teacher (I/C Head Master), Primary School, Refugi - Palasi, P.s. - Narpatganj, District - Araria, Son of Subodh Mehra, Resident of Village - Bajraha, P.S. - Pautona, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan

For the Opposite Party/s : Mr. Madhuri Lata(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 03-05-2016 Called for report has been received from the District Education Office, Araria.

Heard the learned counsel for the petitioner as well as the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under sections 406, 409 and 420/34 of the I.P.C

Allegedly, the petitioner being in collusion and conspiracy with the co-accused took advance of Rs. 9,28,575/- for the financial year 2009-2010 and again took advance of Rs. 9,24,500/- for the financial year 2011-2012 for construction of three rooms in the school but three rooms were not constructed and they misappropriated the amount.



Submission is of false implication and that the Vidyalaya Siksha Samiti used to construct the building either through the Secretary or through the executants, the petitioner has been made victim of the circumstances, the work done valued to Rs. 9,72,084/- was found in the report bearing letter no. 1524 dated 26.12.2015 and the petitioner has been arrested on 14.10.2015 resulting he is suffering in custody without any fault, to which the learned A.P.P. seriously opposes by submitting that the advance taken for the financial year 2009-2010 by the petitioner three room were constructed but so far the advance taken in the financial year 2011-2012 for construction of three rooms no work was done and further the petitioner has not returned the amount.

The learned counsel for the petitioner submits that after release the petitioner will deposit half of the amount under protest.

In the facts and circumstances as stated above, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Araria in Narpatganj P.S. Case No. 339 of 2014, subject to the condition that the petitioner shall deposit half of the amount of Rs. 9,24,500/- taken as advance

for the financial year 2011-2012 or the same will be adjusted from his payment, if any, within six months from the date of his release, failing which the bail granted to the petitioner shall be deemed to be cancelled.

(Jitendra Mohan Sharma, J)

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