

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24383 of 2016

Arising Out of PS.Case No. -13 Year- 2016 Thana -PIPRIYA SAHAYAK District- LAKHISARAI

Sri Ram Sevak Mahto, Son of Late Shamoli Mahto, Resident of Village-Salarpur, P.O.- Amarpur, P.S.- Medni Chowki, District Lakhisarai, at present posted as Incharge Head Master, Integrated Middle School, Pipariya Diyara, P.S.- Piparia, District- Lakhisarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ambika Bhagat, Advocate.

For the Opposite Party : Mr. Md. Ansural Haque, APP.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 05-08-2016

Heard both sides.

The petitioner apprehends his arrest in Piparia P. S.
Case No. 13 of 2016 registered under Sections 409 and 353 of the
Indian Penal Code.

The allegation against the petitioner is that he received a sum of Rs. 16,13,700/- (Rupees sixteen lakhs thirteen thousand and seven hundred) for construction of four class room (2+2) with stairs but the petitioner misappropriated a sum of Rs. 12,60,703 (Rupees twelve lakhs sixty thousand seven hundred and three) and spent only a sum of Rs. 3, 52, 997/- (Rupees three lakhs fifty two thousand and nine hundred ninety seven).

It is submitted by learned counsel for the petitioner that from the order of Sessions Judge, it would appear that the



petitioner started the construction work but the authority vide his letter no. 1951 dated 06.11.2014 asked the petitioner to stop the construction work. Thereafter, the petitioner stopped the construction work, although the case was lodged. The petitioner requested District Programme Officer to allow him to construct the building, on such, vide letter no. 768 dated 12.07.2016, the District Programme Officer, Primary Education and Sarv Shiksha Abhiyan allowed the petitioner to start the construction work and accordingly, the petitioner undertakes to complete the construction work.

Considering the facts aforesaid and that the petitioner was stopped from construction of the school building although he spent a sum of Rs. 3, 52, 997/- (Rupees three lakhs fifty two thousand and nine hundred ninety seven) for construction of the school building and he undertakes to complete the construction within six months, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 the learned Judicial Magistrate, 1st Class, Lakhisarai, in Piparia P. S. Case No. 13 of 2016, subject to

the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

Mishra/-

U		T	
---	--	---	--