

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11285 of 2016

Arising Out of PS.Case No. -72 Year- 2015 Thana -PHENHARA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Ramkeshwar Prasad, Prakhand Sadhan Sewi (MDM), Phenhara, aged about 32 years, son of Rajaram Sah, resident of village-Jhajhara, P.S.-Jitna, District-East Champaran
 2. Ashraf Imam @ Afsar Imam, Samwedak (Contractor), Phenhara, aged about 38 years, son of Late Safdar Imam, resident of village-Bakarpur, P.S.Kalyanpur, District-East Champaran

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ansul, Advocate

For the Opposite Party : Mr. S.Dayal, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-05-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in connection with Phenhara P.S. Case No. 72 of 2015 for the offences instituted under Sections 419, 420, 406, 467, 468, 353 and 120(B)/34 of the Indian Penal Code.

As per the prosecution, the informant is the Block Education Officer, Phenhara alleging therein that on the order of SDO, Pakarideyal through his letter no.2506 dated 15.12.2015 the accused persons had lifted the MDM rice of the month of November, 2015 and had defalcated the same against the government rule having obtained the signature of teachers in advance which is against the provision and they had not supplied the rice.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. Petitioners have falsely been implicated in the present case due to mistake of fact. There is no substantive material to show the implication of the petitioners in the present case. It is further submitted that the petitioners are ready to deposit an amount of Rs.45,000/- each in the court below which shall be subject to the final disposal of the case.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioners shall deposit an amount of Rs.45,000/- each in the court below which shall be subject to the final disposal of the case and on doing so, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Phenhara P.S. Case No. 72 of 2015 on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Motihari, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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