

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.17530 of 2016**

Arising Out of PS.Case No. -162 Year- 2015 Thana -ALOULI District- KHAGARIA

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Yogendra Paswan Son of Late Vidya Paswan Resident of village - Alauli,  
P.S. Alauli, District - Khagaria

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. S.K. Thakur, Advocate

For the State : Mr. R.P.S. Singh(APP)

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**CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN**  
**ORAL ORDER**

3      25-05-2016      Heard learned counsel for the petitioner and the State.

Petitioner apprehends his arrest in a case registered for the offences punishable under sections 409 and 420 of the Indian Penal Code.

As per the allegation, the petitioner withdrew money but he did not complete the work and the money was not deposited back.

It is contended on behalf of the petitioner that he had withdrawn Rs. 5,58,295/- and two rooms and stairs have been constructed. It is further contended that, thereafter, he was transferred and another person took charge of the Incharge Headmaster of the concerned school. It is urged on behalf of the petitioner that he is ready to return the money which would be

found still unpaid and for which no work has been completed if a proper inquiry is made and the work done by the petitioner is assessed.

Having regard to the facts and circumstances of the case, let the abovenamed petitioner, namely, Yogendra Paswan, be released on provisional anticipatory bail for a period of six months in the event of arrest/surrender before the court below within a period of six weeks from today in Alauli Police Station Case No. 162/2015 arising out of G.R. No. 1796/2015 on furnishing bail bonds of Rs.10,000/- ( Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Sri Tarun Kumar Jha, Judicial Magistrate, Ist Class, Khagaria, subject to the conditions laid down under sub-section (2) of Section 438 of the Code of Criminal Procedure.

In the meantime, the petitioner would file a representation before the District Education Officer, Khagaria, who shall inquire into the matter and assess as to whether the work has been completed by the petitioner equivalent to the amount which was withdrawn by him or not. If the work done is at the lesser extent then the amount required to be returned by the petitioner would be disclosed which would be required to be deposited by him before the District Education Officer, Khagaria. If such amount is

deposited then a receipt/certificate would be issued in his favour by the aforesaid authority which would be filed before the court below. Similarly, if it is found by the District Education Officer, Khagaria, that the petitioner has completed the work equivalent to the amount withdrawn by him then he will grant a certificate to that effect and in that case, the certificate would be required to be deposited before the court below. On such step having been taken by the petitioner, the court below would proceed to make the provisional anticipatory bail absolute. It is also made clear that if such representation is filed by the petitioner, the the District Education Officer, Khagaria, would be required to make an inquiry and take a decision in the manner as stated above and grant receipt/certificate accordingly within a period of two weeks.

**(Dr. Ravi Ranjan, J)**

SC/-

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