

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17715 of 2016

Arising Out of PS.Case No. -35 Year- 2016 Thana -PANDAU District- MADHUBANI

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1. Ganga Prasad Raut son of Late Baldeo Raut, resident of Village- Nahar,
Police Station- Pandaul, District- Madhubani.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ashok Kumar Karna, Advocate.

For the Opposite Party : Mr. M.Rab (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-05-2016

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Pandaul P.S. Case No. 35 of 2016 registered for offences
punishable under Sections 420, 406, 409 and 34 of the Indian
Penal Code.

The prosecution case is that the petitioner, the then
Mukhiya of Panchayat Raj -Bhagwatipur, Block-Pandaul was
allotted the work of repair of Middle School, Bhagwatipur
(Uttarwari Bhawan) vide Project No. 1/2006-07. Against the
repair of the said school, the petitioner was allotted a sum of Rs.
1,72,500/- but the petitioner showed repair work of Rs. 1,37,244/-
and it is alleged that the petitioner along with one Abdul Kayum,
Panchayat Secretary has embezzled the remaining sum of Rs.
35252/-. The allegation made in the F.I.R is that the petitioner
had kept the said sum of Rs. 35,254/- without giving any

knowledge of the work done for the long time.

It has been submitted by the learned counsel for the petitioner that a sum of Rs. 35,254/- has been deposited in the Treasury on 27.04.2015 and as per the report of the Block Development Officer, Pandaul dated 22.09.2008 the repair work is complete and the school is running smoothly. It has further been submitted that the D.C.L.R. Sadar Madhubani has also given a report after inquiry on 25.08.2006 that the work done so far does not show any embezzlement.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R, hence, opposed the prayer for bail.

Under such circumstances, let the petitioner above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Pandaul P.S. Case No. 35 of 2016 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Nilu Agrawal, J)

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