

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39606 of 2016

Arising Out of PS.Case No. -29 Year- 2016 Thana -DEODHA District- MADHUBANI

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Chandra Kishore Sah, s/o Late Shatrughan Sah, (retd. Head Master of Naya Primary School Dhamiyapatti), R/v – Garha, P.S. –Jai Nagar, Distt - Madhubani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Adv.

For the Opposite Party/s : Mr. Binod Kumar 2, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 17-09-2016 Heard both sides.

The petitioner apprehends his arrest in Deodha P.S. Case No. 29/2016, registered for the offences punishable under Sections 409, 420 and 120B of the Indian Penal Code.

The informant Block Education Officer, Jai Nagar alleged that Rs. 6,41,000/- was deposited in the account of New Primary School, Dhamiyapatti for construction work. Petitioner is the head-master of the school. Petitioner and Secretary withdrew the entire money of construction work, but they did not complete the construction work.

It is submitted that from perusal of column 5 at page 15 it would appear that the petitioner and Secretary of the school got the work done of Rs. 4,67,011/- and the remaining amount of Rs.

1,73,989/- is still lying in the account of school. Petitioner has not misappropriated any farthing. Petitioner has retired from service in the year 2013 and the successor of the petitioner has done the remaining work of the school.

Considering the facts aforesaid and the fact that petitioner did not defalcate any amount the only allegation is that petitioner could not get construction work completed and money was lying in the account of the school, the petitioner above-named, in the event of his arrest or surrender before the 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 Additional Chief Judicial Magistrate-II, Madhubani in connection with Deodha P.S. Case No. 29/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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