

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47730 of 2016

Arising Out of PS.Case No. -70 Year- 2016 Thana -GOH District- AURANGABAD

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Upendra Sharma S/o Late Kameshwar Sharma, Resident of Village + Post-
Jamuawan, P.S.- Daudnagar, District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mr. Sri Mithilesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 02-12-2016 Heard both sides.

The petitioner being headmaster of the school has been charged under Sections 409, 420/34 of the Indian Penal Code vide Goh P.S. Case No. 70 of 2016 and has approached this Court for grant of anticipatory bail.

In substance, the allegation is that although the petitioner withdrew the amount for construction of few rooms of the school building, but the same was not completed as per the specifications. A sum of Rs. 2,41,173/- was allegedly withdrawn by the petitioner.

It is stated with reference to the averments made in the supplementary affidavit that the work has now been completed as per the specifications. Still the petitioner would be willing to



deposit certain amount of the alleged withdrawal of the government fund for securing the privilege of anticipatory bail which shall remain with the prosecution until disposal of the case.

After having heard the parties and considering the stand taken by the petitioner, the Court is persuaded to extend him the privilege of anticipatory bail.

Let the petitioner above named, in the event of arrest/surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in Goh P.S. Case No. 70 of 2016 subject to the condition as laid down under Section 438(2), the code of Criminal Procedure with further condition that:

- (i) One of the bailors shall be his own/close family member of the petitioner.
- (ii) The petitioner shall appear in person on each date fixed at the trial. In case of default in appearance on two consecutive dates, the trial court shall have liberty to cancel his bail bonds.
- (iii) Along with the bail bonds, the petitioner shall produce receipt/document showing deposit of a sum of Rs. 40,000/- in the office of the Block Education



Officer, Aurangabad or the District Programme
Officer, Aurangabad.

The payment so made, however, shall be without prejudice
to his right and contentions in the case and abide by the final
outcome of the case.

(Kishore Kumar Mandal, J)

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