

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 41264 of 2016

Arising out of P.S. Case No. - 64 Year - 2016 Thana - KADWA District - KATIHAR

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Md. Zubair Alam Shafiqui @ Shafiquil Haque, Son of Md. Shafique Haque,
Resident of Village- Pariliya, Taiyabpur, P.O. Kurhela Bobra, P.S. Kadwa,
District- Katihar presently posted as Incharge Head Master, New Primary
School Dahki Raiyapur, Block and P.S. Kadwa, District- Katihar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Md. Helal Ahmad, Advocate

For the Opposite Party : Mr. Kumar Ranjit Ranjan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 06-10-2016

Heard both sides.

The petitioner apprehends his arrest in Kadwa P.S.

Case No. 64 of 2016 registered for the offence punishable under
Section 409 of the Indian Penal Code.

The petitioner being the In-Charge Headmaster of
Primary School, Dahki Raiyapur, Block Kadwa withdrew
Rs.6,59,000/- and odd for construction of school building but the
petitioner did not complete the construction till date and
Rs.2,06,203/- is still lying against the petitioner. The petitioner
again in the financial year 2011-12 withdrew Rs.12,21,000/- for
construction of school building out of which the petitioner
constructed building worth Rs.6,75,514/-. Still Rs.5,45,486/- is
lying due against the petitioner and in aggregate Rs.7,51,689/- is
lying due against the petitioner.

Learned counsel for the petitioner submits that the petitioner spent the advance money for supply of bricks and other construction material but the suppliers neither supplied the construction material nor returned the money. It is further submitted that the petitioner is ready to deposit the entire amount in one installment within one month.

Considering the facts that the petitioner is a teacher and he is ready to deposit Rs.7,51,689/- within thirty days from today, the petitioner, above named, in the event of his arrest or surrender before the learned 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 the learned Additional Chief Judicial Magistrate-IV, Katihar in connection with Kadwa P.S. Case No. 64 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as well as subject to the further condition that if the petitioner fails to deposit the entire amount within four weeks, the prayer for bail of the petitioner shall be cancelled.

Kundan

(Prabhat Kumar Jha, J.)

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