

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25140 of 2016

Arising Out of PS.Case No. -65 Year- 2016 Thana -SUPAUL District- SUPAUL

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Santosh Kumar, son of Badri Kamat, resident of village- Ram Nagar, P.S.-
Pipra, District- Supaul.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Harendra Prasad(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

4 01-09-2016

Heard both sides.

The petitioner apprehends his arrest in Supaul P.S. Case No. 65/2016, registered for the offences punishable under Sections 406, 409, 420 of the Indian Penal Code.

The petitioner was the headmaster of Primary School, Ajan Durgasthan, Hardi and he received Rs. 11,89,000/- out of estimated cost of Rs. 13,21,000/- for construction of school building and the petitioner did construction work of Rs. 5,36,271/-. Rs. 6,52,729/- is lying due against him.

Learned counsel for the petitioner submits that the FIR has been lodged on 06.02.2016. The petitioner has already constructed the building of Rs. 11,89,000/- and he is ready to construct the remaining part if the department releases further amount.

It is submitted that the measurement book is not available although measurement is done. It is submitted that the

petitioner seeks three months time so that the petitioner may show the entire documents to the authority.

On the other hand, learned Additional P.P. opposed the prayer for anticipatory bail and submitted that the authority found the work of construction up to the linter level, but the case diary is till March, 2016.

Considering the facts aforesaid and the fact that the petitioner has already constructed the building of the amount which he received from the authority, the petitioner above named is directed to surrender in the court below within four weeks from the date of receipt/production of a copy of this order and the court below shall enlarge the petitioner on provisional bail for three months on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Supaul in connection with Supaul Case No. 65/2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and the court below shall confirm the provisional bail of the petitioner if the petitioner furnished the papers of work done and If the petitioner fails to bring all the documents showing construction work of the entire amount, the court below shall cancel the bail bond of the petitioner.

(Prabhat Kumar Jha, J.)

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