

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37832 of 2016

Arising Out of PS.Case No. -61 Year- 2016 Thana -PUSA District- SAMASTIPUR

Arbind Kumar, Son of late Saryug Singh, resident of Village- Indupur, P.S. Barahia, District Lakhisarai, Presently Posted as Headmaster in Buniyad Abhyasshala, Pusa, P.S. Pusa, District Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr.

For the Opposite Party : Mr.

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 22-09-2016

Heard learned counsel for the petitioner and the learned counsel representing the State.

The petitioner seeks bail in connection with Pusa P.S Case No. 61 of 2016 registered for the offence punishable under Section 409 of the Indian Penal Code.

Allegedly, the petitioner being the Headmaster of Buniyad Abhyasshala, Pusa, took advance of Rs. 37,50,000/- for construction of Kasturba Gandhi Balika Residential School, Pusa, and he was to complete the work in the year 2013 itself, but the work was not completed and amount of Rs. 10,29,616/- was defalcated and further took advance of Rs. 1,50,000/- for construction of boundary wall, but the same was also not constructed and there is further allegation that he has defalcated amount of Rs. 5,96,872/- in the financial year 2012-13.

Submission is of false implication and that the petitioner

was taken into custody hurriedly, several materials which were on the spot have not been taken into consideration at the time of measurement. The petitioner has been made victim of the circumstances, resulting, he is suffering in custody since 28.05.2016. He is in government job, chargesheet has already submitted and there is no chance of tampering with the prosecution evidence and as such, he deserves sympathetic consideration.

Learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering the custody of the petitioner and further that there is no chance of tampering with the prosecution evidence and, as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.- 6th, Samastipur, in connection with Pusa P.S. Case No. 61 of 2016, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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