

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37441 of 2016

Arising Out of PS.Case No. -17 Year- 2016 Thana -CHHATAPUR District- SUPAUL

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Chandra Shekhar Prasad Mandal, S/o Late Nageshwar Prasad Mandal,
Headmaster of Utkramit Middle School, Chhatapur (Koriyani), Resident of
Village-Chhuni, P.S. Chhatapur, District Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Kumar Mehta, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-09-2016

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with
Chhatapur P.S. Case No. 17/16 for offences alleged under
Sections 409, 420 of the Indian Penal Code.

The prosecution case is that the petitioner being
the Incharge Headmaster was given a sum of Rs. 8,56,500/- for
construction of school building but the said amount has not been
spent towards construction nor the said amount has been returned.

It has been submitted by the learned counsel for
the petitioner that the building could not be constructed and he has
already returned the said amount which has been acknowledged by
the District Programme Officer, Supaul vide his letter no. 60SSA

dated 22.01.2016 and he has also recommended for taking back the First Information Report. He submits that the petitioner has no criminal history and being a Government servant will not abscond or tamper with the evidence, even otherwise the entire amount alleged to be embezzled has already been returned by the petitioner.

However, learned APP for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the amount alleged to be embezzled by the petitioner has already been returned and the petitioner is a Government servant holding the post of Incharge Headmaster of Middle School, Chhatapur (Koriyani), let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate 2nd Supaul, in connection with Chhatapur P.S. Case No. 17/16, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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