

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37605 of 2016

Arising Out of PS.Case No. -19 Year- 2016 Thana -TISIAUTA District- VAISHALI(HAJIPUR)

1. Rabindra Rai Son of Late Nampat Rai, Resident of Village- Dhabhaich,
P.s.- Tisiauta, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Mr. Braj Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 09-09-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 406, 409 and 420/34 of the
Indian Penal Code.

Petitioner was Headmaster of Primary School,
Pranpur, East Siman. As per prosecution case, Rs. 12,00,000/- was
mistakenly transferred to the account of the aforesaid school and
allegedly petitioner as well as Secretary of the aforesaid school
withdrew the above said amount and misappropriated the same.
Learned counsel for the petitioner submitted that the petitioner
being Headmaster of the concerned school spent the aforesaid
amount in good faith for upliftment of the concerned school.



Though the said amount had been withdrawn by the petitioner as well as Secretary of the concerned school, it is further submitted that annexure-2 to the petition goes to show that still Rs. 6,51,190/- is lying in the account of above stated school. It is also stated that without admitting the prosecution case petitioner is ready to deposit Rs. 5,50,000/- before the concerned official, if he is granted privilege of installment.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-IXth, Vaishali at Hajipur in connection with Tisiauta P.S. Case No. 19 of 2016 subject to the condition that the petitioner shall deposit Rs. 5,50,000/- within six months in equal installments. The first installment shall be deposited by the petitioner within a month from the date of his release and rest amount shall be deposited in five installments within five months from the date of deposit of first installment. The aforesaid amount shall be deposited before District Programme Officer, Vaishali/competent authority and after deposit of the same, the authority shall issue receipt thereof, which shall be produced by the petitioner before the lower court. Further,

it is made clear that any failure on the part of the petitioner shall
give liberty to the trial court/concerned court to cancel the bail
bonds of the petitioner.

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(Hemant Kumar Srivastava, J)