

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30354 of 2016

Arising Out of PS.Case No. -18 Year- 2016 Thana -KISHUNPUR District- SUPAUL

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RAM PRAKASH RAMAN Son of Bhogilal Mandal resident of Village-Sripur, P.S.-Kishanpur, District-Supaul, at Present head Master Primary School Chilhawa,P.S. - Kishanpur,District-Supaul

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Jha, Adv.

For the Opposite Party/s : Mr. Sri Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 15-09-2016 Heard both sides.

The petitioner apprehends his arrest in Kishanpur P.S. Case No. 18/2016, registered for the offences punishable under Sections 406, 409, 420 and 34 of the Indian Penal Code.

The allegation against the petitioner is that Rs. 9,40,000/- was allotted for construction of primary school building in the year 2006-07. Rs. 7,66,000/- was released for construction of the building, but work of only Rs. 1,29,004/- was done according to the Junior Engineer and it is alleged that Rs. 6,36,996/- was misappropriated by the petitioner.

Learned counsel for the petitioner submits that the petitioner did not misappropriate any amount. Petitioner withdrew

only Rs. 3,03,833/- for purchasing construction material. When the construction material put on the construction site Bhumi Yadav and Bijendra Yadav raised objection and did not allow the construction work.

It is further submitted that the petitioner wrote letter to the District Programme Officer in pursuance of the letter of District Programme Officer as contained in letter no. 806 dated 17.09.2015, about the fact that no construction work was allowed at the place of construction site. Petitioner has already deposited the amount in the account of the School from which he withdrew the same. Annexure-2 is the statement of Central Bank of India annexed with the bail petition.

It appears that the petitioner withdrew the amount in the year 2006-07 according to the statement of the petitioner in the year 2006-07 itself when the construction materials were put on the construction site Bhumi Yadav and Bijendra Yadav did not allow any construction work, but the petitioner did not deposit the amount withdrawn by him in the year 2006-07. The petitioner appears to have deposited the amount in the account of school only on 04.02.2016. Petitioner has kept huge government money with him which was given to him for construction of the building ten years ago.

Considering the facts aforesaid, I am not inclined to
enlarge the petitioner above-named on anticipatory bail.
Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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