

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.53828 of 2017**

Arising Out of PS.Case No. -34 Year- 2017 Thana -BHADAURA District- PATNA

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Rupesh Kumar, Son of Jageshwar Mahto, Resident of Janpur, P.S.-  
Bhadaur, District- Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar Pandey

For the Opposite Party/s : Mr. Smt. Sharda Kumari

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

4      22-12-2017                      Heard the learned counsel for the petitioner and the  
  
State.

The petitioner seeks bail in connection with Bhadaur  
P.S. Case No. 34 of 2017 dated 24.05.2017 instituted for the  
offences under Sections 420 and 409 of the Indian Penal Code.

It has been alleged against the petitioner that he had  
received Rs. 3,86,010/- for construction of two additional  
classrooms but the money was not utilized properly and the work  
was left incomplete.

Learned counsel for the petitioner has submitted that  
the two additional classrooms which were to be constructed from  
the aforesaid amount has already been constructed and he has  
falsely been implicated in the case. It has further been submitted



that assuming but not admitting the fact that the construction was not complete, it cannot, on that basis alone, be said that the petitioner has misappropriated the entire amount. The petitioner has brought on record various vouchers indicating expenses incurred in construction of the two additional classrooms. The petitioner is now under suspension.

Taking into account the period of custody of the petitioner which is from 27.05.2017, this Court is inclined to grant bail to him.

In the facts and circumstances, the petitioner above named is directed to be released on bail on his furnishing bail bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Barh, Patna in connection with Bhadaur P.S. Case No. 34 of 2017.

**(Ashutosh Kumar, J)**

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