

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11660 of 2017

Arising Out of PS.Case No. -168 Year- 2016 Thana -BASOPATTI District- MADHUBANI

- =====
1. Heera Devi, Wife of Yogi Paswan, Resident of Village-Chilmiliya, P.S. Basopatti, District-Madhubani.
 2. Ramesh Chandra Choudhary, Son of Late Yogeshwer Choudhary, Resident of Village-Chilmiliya, P.S. Basopatti, District-Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 22-06-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Basopatti P.S. Case No. 168 of 2016 instituted for the offence under Sections 420, 406, 409 and 34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that the amount alleged to have been defalcated, has already been deposited in the account of the school which will be apparent from the impugned order itself.

As per written report, petitioner No. 1 was Secretary and petitioner No. 2 was In-charge Headmaster of the Middle Schook, Chilmiliya, They received the amount of Rs.54,450/- for construction of latrine in the school, in the year 2013, but the same



was not constructed.

Learned counsel for the petitioners has submitted that petitioner No. 1 has retired on 31.12.2013 and he has made over charge to the then In-charge Headmaster namely, Damyanti Kumari on 11.2.2014 along with amount which was received by the petitioners for construction work. Thereafter, no dues certificate was given to him and pension paper was prepared.

The learned Sessions Judge in the last paragraph of the impugned order has mentioned that the amount has been transferred in the account of the school.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Basopatti P.S. Case No. 168 of 2016, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Madhubani, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each



and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

S.Ali/-

(Sanjay Priya, J)

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