

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12114 of 2017

Arising Out of PS.Case No. -94 Year- 2016 Thana -BHAIRABASHTHAN District- MADHUBANI
=====

1. Suresh Kumar Son of Anandi Lal Kamat, Resident of Village Lohana
East P.S. Bhairab Asthan, District- Madhubani.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party
=====

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Sri Aditya Narayan Singh 1
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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 23-03-2017 Heard learned counsel for the petitioner as well as
learned Addl. Public Prosecutor.

The petitioner prays for anticipatory bail in
connection with Bhairaw Asthan PS case no. 94 of 2016 registered for
the offences punishable under sections 409, 420/34 of Indian Penal
Code.

It is submitted on behalf of petitioner that petitioner is
the in-charge Headmaster of Lohana Utkramit Madhya Vidhyalaya. As
per F.I.R. Rs. 13,50,625/- has been allotted to the petitioner for
construction work in the school and the allegation is that the petitioner
has not completed the work and defalcated the aforesaid amount. It is
further submitted that now, he has completed the work and he has
received no objection certificate also which is annexed as Annexure-3
to the petition.



Heard learned A.P.P. also. Learned A.P.P. has opposed the prayer for bail.

Having heard both sides. In view of the fact that the work has already been completed which is clear from Annexure-3, the anticipatory bail application of petitioner is allowed and he is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five thousand) with two sureties of the like amount each to the satisfaction of Addl. Chief Judicial Magistrate, Jhanjharpur, Madhubani in connection with Bhairaw Asthan PS case no. 94 of 2016 subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with a condition that bailors should be the local one having sufficient property within the jurisdiction of learned court below and with further condition that the petitioner will appear before the investigating officer and submit all the papers regarding completion of the work to the investigating officer and he will cooperate and assist in the investigation of the case and if he fails to assist the investigating officer, the prosecution shall be at liberty to move for cancellation of his bail bonds.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J.)

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