

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45459 of 2016

Arising Out of PS.Case No. -80 Year- 2016 Thana -KUTUMBA District- AURANGABAD

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1. Md. Safir Ahmad 'Asi' Son of Late Rose Mohammad Ansari Resident of
Village Bishunpur P.S. Kutumba, District Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratneshwar Prasad

For the Opposite Party/s : Mr. Smt. Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 03-05-2017 Heard the parties.

The petitioner is apprehending his arrest in connection with
Kutumba P.S.Case No.80 of 2016, registered for offences
punishable under Sections 406, 409, 420 and 34 of the Indian Penal
Code.

Allegation against the petitioner is of defalcation of Rs.06
lakh and odd, which had been allotted to the petitioner for some
construction in his School.

It is submitted on behalf of the petitioner that he has
superannuated from service in the year, 2012 and at the time of
handing over charge, he had given a letter stating that he has spent
Rs.04 lakh on construction work and Rs.80,000/- was in the
Account and after calculation, he has also deposited Rs.20,000/-
in the account, as such the charge of defalcation of amount is
false and concocted against him.



Heard learned A.P.P. also.

Having heard both sides and from perusal of Anneuxre-3, it appears that the petitioner had handed over a chart after calculating the amount at the time of his retirement, and according to the petitioner, there is no defalcation, as such, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Aurangabad in connection with Kutumba P.S.Case No.80 of 2016, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the investigation of the case and make himself available as and when required by the police and will produce copy of Annexure -3 before the Investigating Officer to verify the same and during the course of investigation, if something indiscriminating is found out against him, the prosecution is at liberty to move for cancellation of the bail bond of the petitioner.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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