

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40103 of 2017

Arising Out of PS.Case No. -45 Year- 2016 Thana -BELA District- SITAMARHI

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Ram Dinesh Rai, Son of Late Chandrashkehar Rai, Resident of Village-
Naranga, P.S.-Bela, District-Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahani, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 31-08-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Bela P.S. Case
No. 45 of 2016 instituted for the offence under Sections 406, 409
and 420 of the Indian Penal Code.

It is mentioned in the impugned order that petitioner
was earlier granted provisional anticipatory bail by the court
below vide A.B.P. No. 2118 of 2016, but petitioner did not appear
within stipulated period and violated the direction of the court
below.

It is alleged in the written report that petitioner was
given Rs.13,26,000/- and Rs.1,25,550/- for construction of
Banjarehi Middle School. Out of total amount, only Rs. 4,78,566/-
was utilized for the construction of the school building and the



rest amount was embezzled by him. It has further been alleged that earlier Rs.2,90,000/- was allotted for the construction of school building of Naranga Middle School when the petitioner was in-charge Head Master of the said school and the same was withdrawn by him. As such, total government money of Rs.12,53,984/- was misappropriated by him.

The order dated 10.11.2016 filed in A.B.P. No. 2118 of 2016 has been annexed as Annexure-3 whereby the court below has given provisional anticipatory bail to the petitioner for one month and directed the petitioner to complete the work within time and submit a report regarding the same before the court below. Thereafter, the court below will confirm the provisional bail granted to him. From the statement made on behalf of the petitioner, it appears that work has not still been completed.

It has been submitted on behalf of the petitioner that he has deposited remaining amount of Rs.1 lack and odd in the year 2017. As per Annexue-5 with respect to the amount deposited, this Court is unable to come to a conclusion that as to what amount was due with the petitioner and what construction has been done, but, it is apparent that construction was not completed.

Therefore, this Court is not inclined to grant



anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner stands rejected.

Petitioner may surrender before the court below and make prayer for regular bail which shall be disposed off by the court below in accordance with law without being prejudiced by this order.

In the event the petitioner takes plea in the court below that he has made payment of the entire amount, the court below will consider the same in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

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