

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53068 of 2016

Arising Out of PS.Case No. -657 Year- 2016 Thana -ARARIA District- ARRARIA

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Hemant Kumar, S/o Sri Ram Narayan Kamat, R/o Ward No. 6, Nirmali,
P.S.- Nirmali, District- Supaul (Bihar).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogendra Kumar

For the Opposite Party/s : Mr. Sri Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

8 07-04-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 406, 409, 120B and 420/34 of the Indian Penal Code.

The petitioner was working as clerk in the office of District Education Officer, Araria. Allegation is that the petitioner made interpolation in the list of students entitled for scholarship to the extent that the petitioner reduced the number of students arbitrarily of some of the schools and increased in respect of some other schools as result whereof lesser fund was allocated to the one school and more fund to another which was misappropriated.

Submission of the petitioner is that the entire



amount was paid to the respective students in their bank account as per chart produced by the State. Therefore, there is no question of defalcation. Moreover, only one list is signed by the petitioner and the petitioner denies his signature on another list.

Considering the disputed question of facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Araria/Successor Court in connection with Araria P.S. Case No.657 of 2016, corresponding to G.R.No.3215 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and subject to the further condition that petitioner shall fully cooperate with the investigation and trial of the case, failing which the Court below shall be at liberty to take steps for cancellation of the bail bonds of the petitioner in this case.

Arvind/-

(Birendra Kumar, J)

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