

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25549 of 2017

Arising Out of PS.Case No. -21 Year- 2016 Thana -NAYAGAON District- BEGUSARAI

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Anil Kumar Patel, son of late Lal Bihari Mahto, resident of Mohalla Shivaji Nagar, P.S. Nagar, Distt. Begusarai. At present Asstt. Teacher upgraded Middle School, Dariyapur, P.S. Naya Gaon, Distt. Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

For the Opposite Party/s : Mr. Madhuranand Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 19-07-2017 A counter affidavit has been filed on behalf of the opposite party No. 2. Let it be kept on the record.

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Naya Gaon P.S. Case 21 of 2016 instituted for the offence under Section 409 of the Indian Penal Code.

It has been submitted on behalf of the learned counsel for the petitioner that earlier his bail was rejected by this Court vide order dated 28.1.2017 passed in Cr. Misc. 53685 of 2016. It has further been submitted that the allegation against him is of defalcation of an amount of Rs.76,33,550/- of the school which was allotted for construction of school building and other scheme, out of which, only 25,10,014/- had been adjusted and as yet Rs.51,23,536/- has been embezzled. It has further been submitted that on 18.11.2016 he has deposited an amount of Rs.25,00,000/- which is acknowledged by a



letter dated 18.11.2016 issued by the District Programme Officer, Begusarai.

A counter affidavit has been filed on behalf of the opposite party No. 2 wherein there is no denial of payment of aforesaid amount of Rs.25,00,000/- The opposite party No. 2 has further stated in paragraph-11 of the counter affidavit that total dues amount still outstanding with the petitioner along with interest comes to Rs.32,38,360/-. It is also mentioned in the counter affidavit in paragraph-9 that the department has filed a certificate case under PDR Act for recovery of the dues amount from the petitioner.

In such circumstances, considering the period spent by the petitioner in custody and the PDR case for recovery of the amount, has already filed by the department, the prayer for bail of the petitioner is allowed. Let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IVth, Begusarai in connection with Naya Gaon P.S. Case No. 21 of 2016, subject to the condition that both the bailors will be the close relatives of the petitioner.

S.Ali/-

(Sanjay Priya, J)

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