

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21306 of 2017

Arising Out of PS.Case No. -145 Year- 2016 Thana -NABINAGAR District- AURANGABAD

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Krishna Prasad @ Krishna Prasad Singh Son of late Ganesh Mahto
Resident of Village Parsa Jain, P.S. Mali District Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : M/S. B. J. Ojha & Binod Kr. Pandey,
Advocates

For the Opposite Party : Mr. Bal Mukund Prasad Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-05-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection with Nabinagar P.S. Case No. 145 of 2016 for the offences instituted under Sections 409 and 420 of the IPC.

The prosecution story, in brief, is that a sum of Rs. 10,50,000/- was allotted to Middle School, Gosaidih, Nabinagar, for civil work. The petitioner In-charge of the said School got the work done but on audit and measurement, it was found that out of total allotment, the work was done worth Rs. 2,80,743.00 and a sum of Rs. 12,22,736/- was realizable from him which the petitioner is alleged to have misappropriated.

It has been submitted on behalf of the petitioner that the



petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. He has falsely been implicated in the present case due to mistake of fact. The petitioner was allotted Rs. 10,50,000/- for construction of the School. He is the Headmaster of the said School. It is further submitted that the petitioner is ready to deposit Rs. 10,50,000/- before the competent authority of the concerned Department within a period of six months.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner shall deposit an amount of Rs. 10,50,000/- before the competent authority of the concerned Department within a period of six months and on doing so, let the petitioner above named, be released on provisional bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Nabinagar P.S. Case No. 145/2016 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Aurangabad, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



If the petitioner produces the money deposit receipt issued by the competent authority of the concerned Department, the provisional bail granted to the petitioner shall be confirmed by the court below itself.

If the petitioner fails to do so within a period of six months, the provisional bail granted to the petitioner will be cancelled by the court below.

(Sudhir Singh, J)

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