

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36517 of 2017

Arising Out of PS.Case No. -1942 Year- 2014 Thana -BHOJPUR COMPLAINT CASE District- BHOJPUR

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1. Bhakti Singh, Son of Late Mukharam Singh, resident of Koilwari, District- Bhojpur, At present Assistant Teacher, Upgraded Middle School Bishunpur, P.S.- Koilwar, District- Bhojpur. Petitioner/s

Versus

1. The State of Bihar.

2. Kamlesh Kumar Son of Late Sideshwar Prasad Sriastava, resident of Mohalla- Charkhambha Gali, Shivganj, P.S.- Ara Nagar, District- Bhojpur at present Assistant Teacher, Upgraded Middle School Yekawana Ghat, P.S.- Badahara, District- Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra

For the Opposite Party/s : Mr. Sri Narsingh Tanti

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA

ORAL ORDER

2 10-08-2017

Heard the parties.

The petitioner is apprehending his arrest in connection with Complaint Case No. 1942 (C) of 2014, Tr. No. 1082 of 2017 registered for offences punishable under Sections 420, 406 of the Indian Penal Code.

Allegation against the petitioner, as per the complaint petition, is that In-charge Headmaster had handed over Rs. 8,40,000/- to the petitioner, who happens to be Assistant Teacher, for construction of class room but he has not completed the work and misappropriated the amount.

Submission of the learned counsel for the petitioner is that the complaint petition was dismissed but later on, on revision process has been issued against the petitioner. It is further submitted that petitioner has nothing to do with the construction



work of the school as he happens to be Assistant Teacher and not the Headmaster of the School.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above let the petitioner, above named, in the event of arrest or surrender before the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate VI, Ara in connection with Complaint Case No. 1942 C of 2014, Tr. No. 1082 of 2017 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 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, otherwise, the prosecution is free to move for cancellation of his bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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