

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59753 of 2017

Arising Out of PS.Case No. -153 Year- 2017 Thana -BHARGAWAN District- ARRARIA

=====

1. Shri Yugeshwar Prasad Yadav @ Yugeshwar Prasad, S/o- Sri Tula Krishan Yadav, R/v- Chandpur Bhangha, P.S.- Banmankhi, District- Purnea at Present the Headmaster of Primary Middle School, Naya Bhargama, P.S.- Bhargama, District- Araria.

2. Smt. Ranjana Devi @ Ranjana Devi, W/o- Sri Santosh Sah, R/v- Naya Bhargama, P.S.- Bhargama, District- Araria at present the Secretary of School Education Committee, Primary Middle School, Naya Bhargama, P.S.- Bhargama, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 13-12-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Bhargama P.S. Case No. 153 of 2017, G.R. No. 2445 of 2017 instituted for the offence under Sections 406,409/34 of the IPC.

It is alleged in the FIR that petitioner no. 1 being Headmaster of Primary School, Naya Bhargama and petitioner no. 2, Secretary of Vidyalaya Siksha Samiti received Rs. 12,92,850/- as a government fund to construct the school building. But despite several directions, they did not construct the building and misappropriated the government fund.

Learned counsel for the petitioners has pointed out



Annexure-2 to this petition, which is letter issued by District Programme Officer dated 01.09.2017, wherein, it has been mentioned that all the construction work of the school has been completed. He has issued certificate in this respect. The Headmaster of the school as well as Secretary have also given certificate annexed as Annexure-3 series to this petition, about the materials used in construction of the school and also about the money which has been invested and photograph of the school building.

As such, from letter dated 01.09.2017, issued by the District Programme Officer, counter signed by Assistant Engineer and Junior Engineer, it appears that construction work of school has already been completed.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners, named above, in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Bhargama P.S. Case No. 153 of 2017, G.R. No. 2445 of 2017 to the satisfaction of learned C.J.M., Araria (Bihar) subject to condition as laid down u/S 438 (2) of the Cr. P.C. with



further conditions (1) (bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioners and (3) if the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

khushbu/-

U		T	
---	--	---	--

