

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12435 of 2017

Arising Out of PS.Case No. -9 Year- 2016 Thana -PIPRA District- PATNA

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Ajit Kumar, S/o Late Mohanand Mishra, Assistant Teacher Primary School,
Bahrawa, P.S. – Pipra, District – Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Rajeev

For the Opposite Party/s : Mr. Mustaque Alam

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 24-03-2017 The petitioner is apprehending his arrest in connection with Pipra P.S. Case No. 9/2016, registered for offences punishable under Sections 409 Indian Penal Code.

Petitioner happens to be Assistant Teacher, Primary School, Bahrawa, Punpun and according to him the allegation against him is that he defalcated the money meant for dress fund, scholarship fund, development fund and school repairing fund, however, he drawn the attention of the court towards annexure -2 of this petition, which is an affidavit sworn by the Secretary, School Education Board, Primary School, Barhwa, in which it has been mentioned that petitioner has duly spent all the funds appropriately and only Rs. 2,400/- meant for scholarship could not be distributed among the students as the attendance register was stolen.



Heard learned A.P.P. also.

Having heard both sides, in view of the facts and circumstances of the case and also in view of annexure -2 of this petition, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Masaurhi, Patna in connection with Pipra P.S. Case No. 9 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

This is further subject to the condition that:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner shall cooperate in the investigation and shall produce the aforesaid document before the Investigating Officer that will be verified by the investigation officer and petitioner shall also make himself available as and when required by the police



and on the event of failure on his part two appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bonds.

It is made clear that on verification if the afore-stated affidavit of Secretary as well as the submission of learned counsel for the petitioner is found false or if any incriminating material comes against the petitioner, the prosecution will be free to move for cancellation of bail bonds of the petitioner.

(Vinod Kumar Sinha, J)

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