

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 52623 of 2016

Arising out of P.S. Case No. - 182 Year - 2016 Thana – SALKHUA District - SAHARSA

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Brahamdeo Baitha, Son of Late Kaleshwar Baitha, Resident of Village -
Matha, P.S. - Salkhua, District - Saharsa

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Subesh Sharma, Advocate

For the Opposite Party : Smt. Anita Kumari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 10-02-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 420, 406 and
409 of the Indian Penal Code.

Allegation against the petitioner is that he was
assigned construction of school work. Part construction was done
and the remaining amount was misappropriated by the petitioner.

Submission is that due to flood in the area the work
could not be completed and the petitioner had requested the
department to allow further time and for release of the remaining
fund to complete the work. The petitioner has stated the aforesaid
fact on oath in the supplementary affidavit. His further submission
is that the matter is of accounting and not of criminal



misappropriation.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, 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-II, Saharsa/Successor Court in connection with Salkhua Police Station Case No. 182 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Birendra Kumar, J)

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