

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43331 of 2017

Arising Out of PS.Case No. -65 Year- 2016 Thana -MADHEPUR District- MADHUBANI

=====

Ram Bilas Sadai Son of Late Phuleshwar Sadai, R/o Village- Fatki Mushari,
P.S.- Madhepur, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manindra Kishore Singh

For the Opposite Party/s : Mr. Sri Asharaf Ansari

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 21-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 08.11.2016 in
connection with Madhepur P.S. Case No. 65 of 2016 (G.R. No.
1566 of 2016) for offences punishable under Sections 420,409 of
the Indian Penal Code.

The prosecution case, as lodged by the Block Education
Officer, Madhepur, is that for the financial year 2006-07, the
petitioner was given Rs. 5,34,000/- for construction of school
building but he has done work only for Rs. 1,25,000/- and has
misappropriated Rs. 4,09,000/-.

It has been submitted by the learned counsel for the



petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that the building was constructed till plinth level and thereafter he was arrested on 04.08.2011 in another case bearing Madhepur P.S. Case No. 85 of 2011 under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act. As such, although the materials were lying in the premises but he could not personally supervise the construction work. He submits that the construction material are lying in the site as stated by the witnesses and that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner as in-charge headmaster has misappropriated the government money.

Considering the facts and circumstances and the materials on record as well as the period of custody, let petitioner, above named, be enlarged 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, 1st Class, Jhanjharpur, District-Madhubani in connection with Madhepur P.S. Case No. 65 of 2016 (G.R. No. 1566 of 2016),



subject to the conditions that:

- (1) Both bailors would be close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating their relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

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

