

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42870 of 2017

Arising Out of PS.Case No. -91 Year- 2016 Thana -ARER District- MADHUBANI

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Avinash Kumar, Son of Sri Krishna Nand Thakur, R/o Village + P.O.-
Karmauli, P.S.- Khajauli, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kr. Thakur, Adv.

Mr. Amit Kumar, Adv.

For the Opposite Party/s : Mrs. Nirmala Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 19-09-2017

Heard the parties.

This application, for grant of anticipatory bail,
arises out of Arer P.S. Case No. 91 of 2016, disclosing
offences under Sections 406, 409 and 420/34 of the Indian
Penal Code.

The petitioner is In-Charge Headmaster of
Primary School, Mureth Hindi. Allegedly, he has
misappropriated a sum of Rs. 2,77,349/- and 45,750/-,
which he had taken as advance for certain constructions in
the school, which he failed to carry out and the said



amount has not been adjusted.

Mr. Ajay Kumar Thakur, learned counsel, appearing on behalf of the petitioner, has submitted that part construction has been done and the rooms have been constructed up-to the roof level. Certain constructions are yet to be done. He has submitted that within a period of three months, the entire construction shall be completed strictly as per the specification.

I notice from the First Information Report that the petitioner had taken the advance in the financial years 2010-11 and 2012-13, which has remained unadjusted. Misappropriation of public money, in such circumstance, is a serious matter.

However, considering the submission advanced on behalf of the petitioner, as noted above, coupled with the submission that there is no likelihood of the petitioner fleeing from the course of justice, this application is allowed, subject to the following conditions, apart from the conditions of his bail :-

(i) The entire work must be completed by the 19.12.2017, strictly as per the specification; and

(ii) It shall be the duty of the District Magistrate, Madhubani, to get it verified that the construction has been done in accordance with the specification. If the District Magistrate is not satisfied with the construction, he will be obliged to inform this



Court and apply for cancellation of bail granted to the petitioner by virtue of the present order.

Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of **learned Judicial Magistrate-1st, Benipatti (Madhubani)**, in connection with **Arer P.S. Case No. 91 of 2016**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself/herself before the police/Court, as the case may be, as and when required and in the event of failure on his/her part to appear before the Court on two consecutive occasions, his/her bail bond shall be liable to be cancelled.

Let a copy of this order be communicated to the District Magistrate, Madhubani, forthwith.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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