

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59170 of 2017

Arising Out of PS.Case No. -188 Year- 2017 Thana -BAKHTIARPUR District- SAHARSA

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1. Ganesh Paswan, Son of Kokay Paswan, Resident of Village-Raghunathpur, P.S.- Basanahi, District- Saharsa, at present posted as Head Master, in Utakramit Middle School, Navatoliya, Block- Sonbarsa, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anant Kumar-1

For the Opposite Party/s : Mr. Smt. Renuka Ratnakar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 12-12-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Bakhtiyarpur P.S. Case No. 188 of 2017 instituted for the offence under Sections-420 & 409 of the Indian Penal Code.

It is alleged in the written report that the petitioner received a sum of Rs. 3,00,000/- for construction of two rooms of the school, out of which, the work of Rs. 1,30,000/- was done and the remaining amount has been misappropriated.

Counsel for the petitioner has submitted that he has been put under suspension. Thereafter, his suspension was revoked. The petitioner has agreed to make payment of Rs. 2,42,088/- as will appear from Annexure-5 which is the order of the District Programme Officer, Saharsa.

In such circumstances, the petitioner is directed to deposit the amount as mentioned in Annexure-5 within a period of six months from the date of receipt/production of copy of this order and on his surrender within a



period of four weeks from the date of receipt/production of copy of this order and filing affidavit that he will deposit the entire amount with interest as mentioned in Annexure-5 within six months from his release, the court below will grant provisional anticipatory bail to the petitioner for six months in connection with Bakhtiyarpur P.S. Case No. 188 of 2017 to its own satisfaction 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) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioner 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 petitioner. The bail bond of the petitioner will be confirmed after making entire payment as per Annexure-5 and producing valid receipt in the court in support of such payment.

It is made clear that in the event the petitioner fails to deposit the amount as per Annexure-5 within the said period, the court below will cancel the bail bond of the petitioner.

(Sanjay Priya, J)

A.K.V./-

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