

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51742 of 2018

Arising Out of PS.Case No. -144 Year- 2017 Thana -MAHISHI District- SAHARSA

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Bindeshwari Yadav S/o Yugeshwar Yadav, R/o Vill.- Birjain, P.O.-
Narayanpur, P.S.- Nauhatta, District- Saharsa the then Head Master ,
Primary School, Jhamha, P.S. + Block- Mahishi, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s : Mr. Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-10-2018 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail in
connection with Mahishi P.S. Case No. 144 of 2017 registered for
the offence punishable under Sections 406, 409 and 420 of the
Indian Penal Code.

The allegation against the petitioner is that when he was
the Headmaster of Primary School, Jhamta, in the year 2004-05,
he had been provided an advance of Rs. 2,40,000/- for the
purposes of construction of the additional rooms, however, the
rooms could not be constructed and in fact the petitioner had
misappropriated the said amount.

The learned counsel for the petitioner submits that the



allegation of 2004-05 is being belatedly levelled upon the petitioner herein and he is a retired Headmaster, having nothing to do with the said allegation. It is further submitted that the petitioner is having a clean antecedent. Lastly, the learned counsel for the petitioner submits that the petitioner is ready to deposit 50% of the alleged amount of embezzled money i.e. Rs. 1,20,000/- before the Nazarat of the trial court subject to the result of the criminal case.

Having regard to the facts and circumstances of the case, I deem it fit and proper to enlarge the petitioner above named on anticipatory bail, subject to the petitioner depositing a sum of Rs. 1,20,000/- (one lakh twenty thousand) before the Nazarat of the court below.

Accordingly, the petitioner above named is granted liberty to deposit a sum of Rs. 1,20,000/- (Rs. one lakh twenty thousand) before the Nazarat of the court below within a period of six weeks from today and upon showing receipt of deposit of the said amount the learned S.D.J.M., Saharsa shall enlarge the petitioner above named, in the event of his arrest or surrender before the court below, on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Mahishi P.S. Case No. 144 of



2017 subject to such other conditions as the learned court below
may deem fit and proper to be imposed on the petitioner.

The application is disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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