

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.13798 of 2018**

Arising Out of PS. Case No.-99 Year-2016 Thana- IMAMGANJ District- Gaya

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Jairam Bhuiyan, Son of Late Moti Bhuiyan, Resident of Village-Pakari P.S.-  
Imamganj, District-Gaya. ... .. Petitioner/s

Versus

The State of Bihar ... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shardanand Mishra, Advocate  
Mr. Deepak Kumar, Advocate  
For the Opposite Party/s : Mr. Sri Rajballabh Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

2     05-04-2018                      Heard counsel for the petitioner and counsel  
  
appearing on behalf of the State.

The petitioner is apprehending arrest in connection with  
Imamganj P.S. Case No. 99 of 2016 for offences under Section 409  
of the Indian Penal Code.

Allegation against the petitioner as per the fardbeyan is  
that Rs. 7,49,250/- was allotted for the financial year 2011-12 for  
construction of Prathmik School, Gauradarwar but he did not make  
any construction and did not submit any explanation as to utilization  
of the said amount.

Learned counsel for the petitioner submits that fund was  
made available to the school Committee and not to the petitioner.  
Subsequently, the petitioner was transferred from the school and as  
such it was obligatory on the part of the informant to at least call for  
an explanation from the petitioner as to the utilization of the said  
amount but without conducting any enquiry only on the basis of



suspicion they have proceeded against him. Learned counsel referring to para-8 of the bail petition submits that the School Committee have issued cheque in connection with procurement of the construction material including cement and iron rod and the balance amount is still in the account of the School Committee but nothing was examined by the informant and the fardbeyan was lodged against this petitioner.

In view of the fact that the petitioner has no criminal antecedent and he is still in job, the State Government has remedy for recovery after determining the liability of the petitioner in accordance with law, the court is inclined to grant anticipatory bail to the petitioner. Let the petitioner, above named, in the event of arrest or surrender within four weeks from today, 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 the Chief Judicial Magistrate, Gaya in connection with Imamganj P. S. Case No. 99 of 2016, subject to the conditions as laid down under Section 438(2) Cr. P. C.

**(Anil Kumar Upadhyay, J)**

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