

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 58110 of 2018

Arising Out of PS. Case No.-82 Year-2017 Thana- MARAUAN District- Supaul

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Baidyanath Yadav @ Baijnath Yadav S/o Late Nagad Lal Yadav, resident of
Village- Panch Bhinda, P.S. Morauna, District Supaul (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Alok Ranjan and Mr. Rajendra Narayan, Advocates
For the State	:	Mr. Sri Anuj Kumar Srivastava, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 12-12-2018

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in Marauan P.S. Case
No. 82 of 2017 dated 05.07.2017 instituted under Sections
420/406/409/34 of the Indian Penal Code.

3. The petitioner, who was Principal of *Utkramit
Madhya Vidyalaya Baskhora Marauna* in the district of Supaul, is
alleged to have defalcated an amount of Rs. 9,39,800/- along with
other two co-accused from the building fund in the years 2006-07.

4. Learned counsel for the petitioner submitted that the
allegation was made by the local MLA in the year 2016, i.e., after
10 years of the work being completed and further, the allegation is



that the quality of work was not good. Learned counsel submitted that the petitioner was only a member of the committee that undertook the construction work but all payments were made, as per the recommendation of the concerned Engineer and the President of the *Shiksha Samiti* and the petitioner was only a member of the committee. Learned counsel submitted that even with regard to there being destruction of boundary wall, in the year 2011 itself, he had written to the concerned authorities with regard to damage being caused to the wall. Learned counsel further submitted that the allegation of the roof having bended in the middle and water leaking from the roof, and that too based on the inspection after 10 years of construction, cannot be a ground, moreso in view of the fact that he was only a member of the committee and the works were certified before payment by the technical expert, who is an Engineer. Learned counsel submitted that the petitioner has since then superannuated in the year 2012 and it appears that due to some political consideration, the local MLA in the year 2016, had lodged the compliant.

5. Learned A.P.P. submitted that the inspection has disclosed inferior quality of work. However, he was not in a position to controvert that the complaint and inspections were made after 10 years of the work having been completed.



6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-I, Supaul in Marauna P.S. Case No. 82 of 2017, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J.)

P. Kumar

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