

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16174 of 2018

Arising Out of PS. Case No.-102 Year-2011 Thana- NABINAGAR District- Aurangabad

Manoj Pal, S/o Ramudesh Pal, Resident of Village- Damdi Bigha, P.S.-
Nabinagar, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 24-04-2018 Heard learned counsel for the petitioner and the

State.

The petitioner apprehends arrest in Nabinagar P.S.
Case No. 102 of 2011, instituted for the offence under Sections
420/34) of the IPC.

Prosecution case in short is that petitioner and other
accused persons as mentioned in the written report, have not
submitted the AC/DC Bills for amount allocated to their
respective schools in spite of clear direction of the District
Education Superintendent.

Learned counsel for the petitioner has submitted that
as per allegation, petitioner being headmaster of Primary
School, Tendua (Nabinagar) did not give AC/DC bill amounting
to Rs. 60,000/- for construction of boundary wall and Rs.



40,000/- for renovation of school building which has been allotted to the school as mentioned at serial no. 35 of the list annexed to the FIR.

Learned counsel for the petitioner has filed supplementary affidavit, wherein, he has stated that head mistress Savitri Devi has already given written application to Distance Mass Literacy Centre on 10.12.2010, stating that AC/DC bill with regard to Session 2007-2008 for construction of boundary wall has already been submitted.

Learned counsel for the petitioner has submitted that with regard to remaining amount of Rs. 40,000/-, cheque for the aforesaid amount was already cancelled as mentioned in Annexure-3 to this petition.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner, named above, in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Nabinagar P.S. Case No. 102 of 2011, to the satisfaction of the learned CJM, Aurangabad, 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 dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioner and (3) if the 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.

(Sanjay Priya, J)

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