

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11867 of 2018

Arising Out of PS.Case No. -68 Year- 2017 Thana -GHANSHYAMPUR District- DARBHANGA

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Nunu Jha, son of Late Thakko Jha, Resident of Village- Mahthwar, Police
Station Ghanshyampur, District- Darbhanga.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Prafull Chandra Jha, Advocate

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 28-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 16.06.2017 in connection with Ghanshyampur P.S. Case No. 68 of 2017 (G.R. No. 355 of 2017) for the offences alleged under Sections 406, 409 and 420 of the Indian Penal Code.

3. It is submitted that the petitioner being the then Headmaster of the School has been falsely implicated as he has already completed a substantial amount of the work for which he was given the responsibility of completing under Yojna No.8-9, Yojna No. 10-11 and Yojna No. 11-12. There is sufficient fund lying in the account of the school and the petitioner still expresses his readiness to complete the rest of the work under all the aforesaid three Yojnas within a fixed time frame. The petitioner claims clean antecedents.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Biraul (Darbhanga), in connection with Ghanshyampur P.S. Case No. 68 of



2017 (G.R. No. 355 of 2017), subject to the following conditions:-

(i) That the petitioner shall complete the remaining construction work under the aforesaid Yojna No. 8-9, Yojna No. 10-11 and Yojna No. 11-12 within a period of four months from the date of receipt/production of a copy of this order.

(ii) In the event of utilization of the amount of funds received by the petitioner for the construction work and thereafter on furnishing a certificate to this effect, the provisional bail of the petitioner shall stand confirmed.

(iii) If the petitioner fails to complete the construction work as above within the stipulated period of four months, he shall forthwith surrender before learned court below.

(iv) That one of the bailors shall be a close relative of the petitioner.

(v) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(vi) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

B.T/Chandran

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