

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50515 of 2017

Arising Out of PS.Case No. -76 Year- 2016 Thana -SAHARGHAT District- MADHUBANI

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1. Raj Kumar Paswan, son of late Parikshan Paswan, R/o Village-Raiyama, P.S.- Saherghat, District- Madhubani.
 2. Photo Devi, w/o Lal Paswan, R/o Uttara, P.S. Saharghat, District-Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar
2. Head Master, Upgraded Girls Mille School, Utra, Block-Madhwapur, District- Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 22-06-2018

Heard learned counsel for the petitioners and learned

APP for the State.

Petitioners apprehend their arrest in **Saharghat P.S.**

Case No.76 of 2016 instituted for the offence under Section(s)
406, 409, 428/34 Indian Penal Code.

It is alleged in the written report that petitioner No.1 while working as Head Master of the school concerned was allotted funds for construction work, but the petitioners, who were Head Master and Secretary of the School Education Committee, neither completed the work nor submitted the measurement report.

A report was called for from the present Head



Master of the aforesaid school, which has been received. It is mentioned in the report that work has already been completed during the period of the petitioner No.1 as Head Master of the school. It is mentioned that fund was allotted during the period when petitioner No.1 was Head Master and petitioner No.2 was Secretary of the School and petitioner No.1 has completed the work of the school during his tenure as Head Master.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with **Saharghat P.S. Case No.76 of 2016**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **Sub-Divisional Judicial Magistrate, Benipatti, Madhubani**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bonds and (3) if



petitioners tamper 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 petitioners.

(Sanjay Priya, J)

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