

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19105 of 2018

Arising Out of PS.Case No. -177 Year- 2017 Thana -JHAJHA District- JAMUI

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1. Shyamdeo Paswan, son of late Arjun Paswan, resident of village-
Barajor, Police Station - Jhajha, District - Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Kumar Virendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 17-05-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Jhajha P.S. Case No.177 of 2017** instituted for the offence under Section(s) 409, 420, 120-B Indian Penal Code.

Counsel for the petitioner submits that he was working as Assistant Teacher since 24.04.2003. He joined the present school on 31.01.2015.

Allegation against the petitioner is that for the financial year 2014-15 & 2015-16, he has committed criminal breach of trust by defalcating the amount of scholarship amounting to Rs.6,52,800/- for the year 2014-15 and Rs.83,700/- for the year 2015-16 respectively while posted as In-charge



Headmaster of upgraded Middle School, Chuchanariya under Jhajha Police Station, and amount of Rs.7,95,000/- has been transferred to the account of one Umesh Thakur as per statement of Canara Bank, Hathiya.

Counsel for the petitioner has submitted that petitioner has deposited Rs.8,25,795/- in SB account of VSS of Upgraded Middle School, Chuchanariya. The petitioner has reported about depositing the amount in writing, enclosing counterfoil of the deposits, to DEO, Jamui. The copy of aforesaid letter was sent to DWO, Jamui, and DPO Establishment, Jamui, through registered post. In the meantime, instant case has been lodged against the petitioner. Copy of the application submitted to DEO, Jamui, DWO, Jamui and DPO, Jamui is annexed as Anenxure-2 series to the petition.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Jhajha P.S. Case No.177 of 2017**, he shall be released on anticipatory 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, Jamui**, 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) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if 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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