

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38206 of 2018

Arising Out of PS.Case No. -93 Year- 2017 Thana -BAJPATTI District- SITAMARHI

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Yogendra Kumar, Son of Ramprasad Mahto, Resident of Village- Rohua
Janaki Nagar, P.S.- Sonbarsa, District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Adv.

For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
27.03.2018 in connection with Bajpatti P.S. Case No. 93 of
2017 for offences punishable under Section 409 of the Indian
Penal Code.

The prosecution case, as lodged by the Block
Education Officer, Bajpatti, is that the petitioner while working
as a Head Teacher in Middle School, Madhuban Gote, Bajpatti
was allotted funds for construction of school building but in
spite of an advance of about 25 lacs for completion of school



building for two periods 2011-12 and 2014-15, the measurement book value comes to only about 13,00,000/-. As such, the petitioner has embezzled the rest about 2 lacs as the building is still in complete.

It has been submitted by the learned counsel for the petitioner that he is innocent, is a government teacher and was put under suspension since September, 2015. As such, work could not be completed by him. Even the cost of the materials were given to the suppliers but the petitioner is under suspension since 2015 and the account could not be reconciled. It is further submitted that the F.I.R. has been lodged after inordinate delay as the allegation is of the year 2011-12 and 2014-15 and F.I.R. has been lodged after two years in the year 2017. It is further submitted that charge-sheet has already been submitted and the petitioner is ready to cooperate in the trial.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Sub Divisional Judicial Magistrate, Sitamarhi in
connection with Bajpatii P.S. Case No. 93 of 2017.

(Nilu Agrawal, J)

Devendra/-

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