

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10565 of 2018

Arising Out of PS.Case No. -873 Year- 2017 Thana -KHAZANIHAT District- PURNIA

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JOSE DANIAL @ JONS DONIAL, Son of Late K.J. Dawal, Resident of 5
Koshi Colony, Police Station- K. Hat, District- Purnia.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-02-2018 Heard the learned counsel for the petitioner and the

learned counsel for the State.

The petitioner seeks anticipatory bail in connection
with K. Hat PS case no. 873 of 2017 registered for the offences
punishable under Sections 420, 406, 668, 477 and 120B of the
Indian Penal Code.

The allegation against the petitioner is that he had
misrepresented the requisites for the purposes of obtaining the
benefit of certain scheme, whereafter a sum of 1,07,775/- and a
sum of Rs. 86,982/-was disbursed by the District Programme
Officer, MME Officer Planning and Account, Purnea to the
petitioner herein.

The learned counsel for the petitioner submits that



though the school of the petitioner has received the aforesaid amount, but on account of unclear direction regarding modality of the use of the same, the petitioner could not use the said amount and had thereafter prepared two drafts of the aforesaid amount for the purposes of refunding the same, but the same was not accepted by the authority. It is further submitted that page-20 of the present petition would show the bona fide of the petitioner herein.

Having regard to the facts and circumstances of the case, it is directed that the petitioner herein would submit two drafts of Rs. 1,07,775/- and Rs. 86,982/- to the District Programme Officer, MME Officer, Planning and Accounts, Purnea within a period of three weeks from today and the said officer is directed to accept the same and grant a receipt to the petitioner herein.

Accordingly, it is directed that after deposit of the aforesaid amount with the District Programme Officer, MME Officer, Planning and Account, Purnea, the petitioner would surrender before the learned court below within a period of four weeks from today and show the proof of deposit of the aforesaid amount before the District Programme Officer, MME Officer, Planning and Account, Purnea and thereafter the learned court below shall admit the petitioner to the privilege of anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand) with two



sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with K. Hat PS case no. 873 of 2017, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

It is further directed that the petitioner would not be arrested for a period of four weeks from today.

(Mohit Kumar Shah, J)

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