

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7247 of 2018

Arising Out of PS.Case No. -412 Year- 2017 Thana -AMARPUR District- BANKA

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Dilip Kumar S/o Kapildeo Prasad, R/o Village- At Longainy, P.S.-
Shambhuganj, in the District- Banka, Bihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Satyendra Narayan Singh

For the Opposite Party/s : Mr. Md. Arif

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 17-02-2018

Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in relation to Amarpur P.S. Case No. 412/2017 registered under Sections 406, 409 of the Indian Penal Code, pending in the court of learned Chief Judicial Magistrate, Banka.

Learned counsel for the petitioner submits that this petitioner is the Incharge Headmaster of the school in question. Allegation against him is that he has misappropriated a sum of Rs. 4,65,896.00 which was provided to the petitioner for construction of two additional classroom during the year 2014-15. Learned counsel submits that in fact the entire amount is lying safely and he is ready to give an undertaking that the two additional



classroom about which it is stated in the F.I.R. that have not been constructed shall be constructed and complete construction shall be handed over to the competent authority within a period of six months from today.

Learned counsel submits that no fruitful purpose will be served by sending the petitioner behind the bar when he is admitting and is ready to complete the construction work. Learned counsel has pointed out from order dated 22.12.2017 passed by a co-ordinate Bench of this Court in Cr. Misc. No. 54929/2017 that in identical circumstance in case of the same Block the Incharge Headmaster Arbind Rabidas has been granted interim protection by this Court in view of his undertaking that he is ready to complete the remaining work within the next six months. Learned counsel submits that similar protection may be granted to the petitioner as well.

Learned Additional Public Prosecutor for the State is present and does not distinguish the case of the petitioner with that of Arbind Rabidas, moreover, from what transpired in course of argument, it appears that in view of the undertaking of the petitioner to complete the two additional classrooms in the school, there is no



significant opposition.

Considering the facts and circumstances of this case particularly that the petitioner at this stage is ready to complete the remaining construction work and submit complete account with completed construction to the competent authority within a period of six months from today and that he is Incharge Headmaster of the school as also that there is no chance of tampering with the evidence in the nature of this case, in the event of his arrest/surrender before the court below within four weeks, let the above named petitioner be enlarged on provisional bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Amarpur P.S. Case No. 412/2017 for a period of six months from today, subject to condition laid down under Section 438 (2) of the Code of Criminal Procedure.

On the very next date of expiry of six months period from today the petitioner shall surrender in the court below with proof of completion of construction work and submission of complete account to the competent



authority, if such proof is submitted in the court below, the anticipatory bail of the petitioner shall be confirmed otherwise the petitioner shall be taken in custody.

This application is disposed off, accordingly.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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