

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60482 of 2017

Arising Out of PS.Case No. -77 Year- 2017 Thana -PHENHARA District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Bireshwar Singh, s/o late Shiv Mangal Singh, R/o Village- Ibrahimpur
Parsauni, P.S.- Phenhara, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 08-05-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Phenhara P.S.**

Case No.77 of 2017 instituted for the offence under Section(s)
409, 353/34 Indian Penal Code.

Counsel for the petitioner submits that Petitioner was Secretary of the school from 08.02.2013 to 22.11.2014. During that period, Rs.7,12,592/- was withdrawn by him and more than 90% of the work has been completed by him. Thereafter, the Petitioner was transferred from that school and, at present, he is posted in Primary School, Ezorbara.

Supplementary Affidavit has been filed on behalf of the Petitioner, wherein, Petitioner has enclosed Annexure-5, which is copy of the Measurement Book obtained by the Petitioner under Rights to Information Act from which it appears



that work of Rs.8,64,800/- has been done by the petitioner while he was posted as Secretary in that school.

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 **Phenhara P.S. Case No.77 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 **Additional Chief Judicial Magistrate, 12th, East Champaran, Motihari**, 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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