

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15625 of 2018

Arising Out of PS.Case No. -80 Year- 2016 Thana -RUDRAPUR District- MADHUBANI

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1. Kishore Kumar Chaudhary, Son of Late Bal Govind Chaudhary,
Resident of Village- Rakhwari Tole, Kwarpatti, P.S.- Rudrapur, District-
Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogendra Kumar

For the Opposite Party/s : Mr. Smt. Renuka Ratnakar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 05-04-2018

Heard the learned counsels for the parties.

The petitioner seeks bail in anticipation of his arrest
in connection with Rudrapur P.S. Case No. 80/2016 dated
15.09.2016 instituted for the offences under Sections 406 and
409/34 of the Indian Penal Code.

The petitioner, in his capacity as In-charge
headmaster, and others are alleged to have withdrawn Rs.
9,80,630/- for construction of extra class rooms in the Primary
School, Goshala Tole Rakhwari, but the amount was not utilized
by them for the aforesaid purpose.

Learned counsel for the petitioner has submitted that
out of the amount shown to have been withdrawn from the
government treasury, classrooms were constructed partially and



the balance amount was deposited through another headmaster by a bank-draft. Whatever interest accrued on the aforesaid amount has also been returned. Apart from this, it has been submitted that in the year 2011-12, the District Programme Officer, Primary Education, on finding the classrooms to have been completely constructed, issued no objection certificate for the financial year.

It appears that the prayer for anticipatory bail was rejected by the court below on the ground that the aforesaid unutilized extra amount was returned only after the F.I.R. was lodged.

Considering the aforesaid facts, the petitioner above named is directed to be released on bail, in the event of his surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bond in the sum of Rs. 10,000/- (Ten Thousand), with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Jhanjharpur, Madhubani in connection with Rudrapur P.S. Case No. 80/2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J.)

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