

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.65733 of 2018

Arising Out of PS. Case No.-106 Year-2017 Thana- NAUHATTA District- Saharsa

Chaudhary Mahesh Paswan @ Mahesh Chaudhary, S/o Mono Chaudhary Paswan, R/o Village- Vardipur, P.O.- Kokarba, P.S.- Jamalpur, District- Darbhanga, at present residing in Hatiya Gachhi Ward No.31, Patel Nagar, P.S.+District- Saharsa. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Sri Kanhaiya Kishore

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

2 13-12-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Petitioner is apprehending arrest in connection with Nauhatta P.S. Case No. 106 of 2017 for the offence under sections 409 and 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner has no criminal antecedent.

At the relevant time for construction of four additional class room, a sum of Rs. 257546/- was sanctioned in the year 2011-12. The additional room of the school was not completed in all respect and in that situation the instant case was registered in the year 2017.

Mr. Shiva Shankar Sharma, learned counsel for the petitioner submits that at the relevant time the petitioner was ailing and as such the entire construction was not completed. He submits with reference to Annexure-2, 3 and 4 that



constructions were subsequently completed and thereafter measurement was done and the District Programme Officer on satisfaction as to the proper utilization of the fund has instructed the PP, Saharsa that construction of the entire additional class room was completed.

Considering the aforesaid fact and also that petitioner has superannuated and construction of the additional class room was completed and measurement of the construction was also taken by the competent authority, the Court is inclined to grant bail. The instant case relates to accounting in the matter of utilization of fund. Officials of Education Department have other law full means available for settling the outstanding on fund settlement, let the petitioner, named above, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 A.C.J.M., Saharsa, in connection with Nauhatta P.S. Case No. 106 of 2017 subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Anil Kumar Upadhyay, J)

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