

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14598 of 2019

Arising Out of PS. Case No.-296 Year-2009 Thana- AHYAPUR District- Muzaffarpur

Manoj Paswan Son of Narayan Paswan, Resident of Village-Kharauna, Police Station-Sadar, District-Muzaffarpur. Presently residing at Village-Patahi Chowk, Subhankarpur, Police Station-Patahi, District-Muzaffarpur, the then Headmaster in Govt. Primary School Manjhauliya Musahartola, Block-Bochahan, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-03-2019 Heard learned counsels for the petitioner and the State.

The petitioner, being the In-Charge Headmaster of Primary School, Jhapha, Majhauliya is apprehending arrest in a case registered for the offences punishable under Sections 409, 419 and 420 of the IPC.

The prosecution case, as per the F.I.R. is to the effect that the petitioner misappropriated about Rs. 4 lacs sanctioned for the purpose of construction of school building, boundary wall and kitchen.

It is submitted by learned counsel for the petitioner that construction materials were purchased and half of the



construction work has been carried out, but due to obstruction of local people, the construction work could not be completed. It is further submitted that the petitioner is ready to deposit the alleged misappropriate amount to the tune of Rs. 3,81,516/- in two equal installments.

Learned APP submits that that the petitioner misappropriated the amount sanctioned for construction of school building, boundary wall and kitchen and he is named in the F.I.R.

Since the FIR was lodged on 18.09.2009 and the present anticipatory bail application has been filed in the year 2019, initially, this Court was not inclined to grant anticipatory bail to the petitioner, but since the petitioner is ready to deposit alleged misappropriated amount in two equal installments within a period of four weeks, on deposit of Rs. 1 lac before the learned Court below, let the above named petitioner be released on provisional anticipatory bail for four months in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case No. 296 of



2009, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

The petitioner will deposit 50% of the remaining misappropriated amount by 29th of April, 2019 and thereafter he will deposit remaining amount by 10th June, 2019.

When the entire amount shall be deposited by the petitioner, then the said amount will be invested in some fix deposit scheme by the learned Court below in connection with the present case, which will be subject to the result of the present case.

The provision bail of the petitioner will be confirmed by the learned Court below on the deposit of the entire misappropriated amount within a period of four months.

(Dinesh Kumar Singh, J)

Amrendra/-

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