

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23012 of 2019

Arising Out of PS. Case No.-248 Year-2018 Thana- GOPALPUR District- Patna

America Paswan, aged about 69 years, Gender -Male, Son of Late Ramkisun Paswan, Resident of Village-Girparta Bigha, P.S.- Kadirganj, District - Patna (Bihar)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ram Chandra Prasad Bharti, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 11-04-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 406 and 420 of the Indian Penal Code registered in connection with Gopalpur P.S. Case No. 248 of 2018.

3. It is submitted that the petitioner has been falsely implicated on the accusation of misappropriation of Government funds inasmuch as the petitioner, who is the Incharge Headmaster of Primary School, Bairiya Jhuggi Jhopari, Sampatchak, Patna who had been given Rs. 9.25 lakhs for construction of the school building, has withdrawn Rs. 8,62,694/- but the construction work has not been completed by him. It is, however, submitted that the entire construction work has been completed and no dues are outstanding against the petitioner as evident from the letter no. 1078 dated 20.03.2019 issued by District Programme Officer, Patna (Annexure-2). The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be



released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additioanal Chief Judicial Magistrate-IX, Patna in connection with Gopalpur P.S. Case No. 248 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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