

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23331 of 2019**

Arising Out of PS. Case No.-132 Year-2018 Thana- CHARPOKHARI
District- Bhojpur

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SHRIKANT KUMAR, aged 43 years, male, Son of Sri Ram Bachan Ram
Resident of Village - Bajen, P.S.- Charpokhari, Distt - Bhojpura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Prabhu Narayan Sharma, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 15-04-2019 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 409 of the Indian Penal Code
registered in connection with Charpokhari P.S. Case No. 132 of
2018, G.R. No. 2788 of 2018.

3. It is submitted that the petitioner has been falsely
implicated on the accusation of misappropriation of
Rs. 5,70,536/- of Government funds. The petitioner was the then
Headmaster of the Primary School, Bajen Block (Bhojpur) who
had allegedly withdrawn of Rs. 8,10,000/- in the year 2011-12
for construction of three ACR but the work was partially
completed to the extent of Rs. 2,39,464/- only. In any event the
petitioner undertakes to complete the work within one year.

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 provisional bail on furnishing bail bond



of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-X, Bhojpur, Ara in connection with Charpokhari P.S. Case No. 132 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following 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 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.

(iv) 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.

5. The provisional bail shall be confirmed if the petitioner completes the remaining work in question within a period of one year from today and obtains no dues certificate from the concerned authority, failing which the provisional bail shall stand automatically cancelled.

(Vikash Jain, J)

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