

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25703 of 2019

Arising Out of PS. Case No.-187 Year-2017 Thana- BANMANKHI District- Purnia

AMIT KUMAR, aged about 46 years, Male, Son of Late Sobhan Rishidev
Resident of Village - Ward No.08, Rasadh Rasarh, Fakuli, P.S.- Banmankhi,
Distt.- Purnea ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Satyavrat Verma, Adv.

For the Opposite Party : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-04-2019 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since
08.02.2019 in connection with Banmankhi P.S. Case No. 187 of
2017 for the offences alleged under Sections 406 and 409 of the
Indian Penal Code.

The prosecution case, as lodged by the Block
Education Officer, Banmankhi, is that the petitioner who was
the In-Charge of the Primary School, Rasad, was given
Rs.8,00,000/- for construction of three rooms in the school
building for the financial year 2009-10 under the Bihar
Education Project-cum-Sarva Shiksha Abhiyan, which had to
be completed within one year, but, in spite of repeated
reminders the said construction work had not been completed
and it is alleged that a sum of Rs.4,83,779/- has been



misappropriated by the petitioner.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and the District Programme Officer, Bihar Education Project Council Sarva Shiksha Abhiyan, Purnea, has given a certificate on 27.02.2019 that the petitioner has completed the entire school construction building, which is Annexure 2, and the Block Education Officer, Banmankhi, has also written to the Officer-in-Charge, Banmankhi Police Station, dated 06.03.2019, which is Annexure 3, that the petitioner has completed all the construction work of the school building. He submits that no offence has been committed and it was only on account of delay of construction work, which was beyond his control, the said allegation has been levelled.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations and that the petitioner is a Government servant and now the construction work has been completed, which is certified by the Block Education Officer, Banmankhi, and the District Programme Officer, Purnea, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten



thousand) with two sureties of the like amount each in connection with Banmankhi P.S. Case No. 187 of 2017 to the satisfaction of the learned Chief Judicial Magistrate, Purnia, or the successor Court, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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