

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28746 of 2019

In
CRIMINAL MISCELLANEOUS No.14598 of 2019

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

MANOJ PASWAN, S/o Narayan Paswan, R/o village- Kharauna, P.S.- Sadar, District- Muzaffarpur. Presently residing at Village- Patahi Chowk, Subhankarpur, P.S.- Patahi, District- Muzaffarpur, the then Headmaster in Govt. Primary School Manjhaulīya Musahartola, Block- Bochahan, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 11-09-2019 Heard learned counsels for the petitioner and the State.

The present application has been filed for modification of the order dated 11.03.2019, passed in Criminal Miscellaneous No. 14598 of 2019 to the extent of depositing the undertaken amount and extending the period of surrender.

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

The petitioner, being the In-Charge Headmaster of Primary School, Jhapha, Majhaulīya, was granted provisional



anticipatory bail for four months in connection with Ahiyapr P.S. Case No. 296 of 2009, pending in the Court of learned CJM, Muzaffarpur, registered for the offences punishable under Sections 409, 419 and 420 of the I.P.C.

It was 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 was further submitted that the petitioner is ready to deposit the alleged misappropriated amount to the tune of Rs.3,81,516/- in two equal installments.

On the earlier occasion, though this Court was not inclined to enlarge the petitioner on anticipatory bail considering the fact that the FIR was lodged on 18.09.2009 and the bail application was preferred in the year 2019, but considering the submission of learned counsel for the petitioner that the petitioner is ready to deposit the entire alleged misappropriated amount in two equal installments within a period of four weeks, this Court directed the petitioner to be released on provisional anticipatory bail for four months, on deposit of Rupees One Lac before the learned Court. Thereafter, the petitioner was supposed to deposit 50% of the remaining



misappropriated amount by 29th of April, 2019 and rest of the amount was to be deposited by the petitioner by 10th of June, 2019. The provisional anticipatory bail of the petitioner was to be confirmed by the learned Court below on deposit of the entire misappropriated amount. On deposit of entire misappropriated amount, the learned Court below was directed to invest the same in some fixed deposit scheme, in connection with the present case, which will be result of the present case.

It is submitted by learned counsel for the petitioner that due to misinterpretation, the petitioner could not deposit the entire alleged misappropriated amount. However, the petitioner is still ready to deposit the said amount. Moreover, the bail bonds of the petitioner have not been cancelled.

It appears from the order dated 14.08.2019 passed by the learned CJM, Muzaffarpur that neither the petitioner deposited the undertaken amount nor he surrendered.

In the circumstances, the provisional anticipatory bail granted to the petitioner vide order dated 11.03.2019, passed in Criminal Miscellaneous No. 14598 of 2019 is extended till 30th of September, 2019.

The learned Court below will accept the bail bonds of the petitioner on deposit of the entire alleged misappropriated



amount to the tune of Rs. 3,81,516/- which will be invested in some fixed deposit scheme which will be subject to the result of the present case. The learned Court below will also confirm the provisional anticipatory bail of the petitioner on deposit of entire alleged misappropriated amount to the tune of Rs. 3,81,516/-.

It is made clear that this Court will not entertain any further modification application.

(Dinesh Kumar Singh, J)

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