

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37452 of 2019

Arising Out of PS. Case No.-42 Year-2017 Thana- BASANHI District- Saharsa

SUDHIR PASWAN S/O Late Uttam Paswan @ Late Uttim Paswan Retired Head Master of Middle School, Raghunathpur Santhali, Anchal- Sonbarsa, District- Saharsa and At Present residing at Village- Khara, P.O.- Khara, P.S.- Uda-Kishunganj, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 21-06-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 420, 406, 409, 34 IPC registered in connection with Basnahi P.S. Case No. 42/2017.

3. It is submitted that the petitioner has been falsely implicated in connection with recovery of Rs. 8,07,987/- meant for construction of school building including toilet and other civil works. The petitioner is the ex-headmaster of the Middle School, Raghunathpur, Santhal Tola and out of the advance of Rs. 7,20,000/- (Rs. 5,00,000/- + Rs. 2,20,000/-) released in favour of the petitioner he had completed the work according to the measurement book for the value of Rs. 3,87,863/- (shown as Rs. 3,59,736/- after deduction of VAT etc.) (Annexure-2). The petitioner has also made payment of Rs. 80,000/- by cheque no. 353363 dated 21.02.2012 to the District Programme Officer, Sarvshiksha Abhiyan, Saharsa (Annexure-4). An amount of Rs. 1,89,547.09 remained in the bank account of the School



(Annexure-3). It is therefore submitted that out of the total advance of Rs. 7,20,000/- an amount of Rs. 62,590/- only remains outstanding and the petitioner expresses his readiness to deposit the same without delay. The petitioner claims clean antecedents.

4. Be that it may, in the event of petitioner's arrest or surrender within four weeks hereof let the above named petitioner be released on provisional anticipatory bail on furnishing bail bond of Rs.10,000/- [ten thousand] with two sureties of like amount each to the satisfaction of learned ACJM III, Saharsa in connection with Basnahi P.S. Case No. 42/2017 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 co-operate 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) 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.

(v) The petitioner shall deposit the admitted outstanding amount of Rs. 62,590/- to the concerned authority within a period of two weeks from the date of receipt/production of a copy of this order.

5. The provisional bail granted to the petitioner shall be confirmed on verification to the satisfaction of the learned Court



below with respect to the claim of the petitioner as aforesaid to the extent of work done (Rs. 3,87,863/-), payment made (Rs. 80,000/-) and the amount remaining in the account of the School (Rs. 1,89,547/-) as stated in the anticipatory bail petition and upon deposit of the entire outstanding amount of Rs. 62,590/-. In case the petitioner's claim fails upon verification or the petitioner fails to deposit the amount of Rs. 62,590/- within the stipulated time, the provisional bail shall stand automatically cancelled.

(Vikash Jain, J)

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