

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76447 of 2018

Arising Out of PS. Case No.-373 Year-2017 Thana- KOILWAR District- Bhojpur

Md. Ayub Alam, Son of late Abdul Mahbood, R/o Surandha Colony, P.S. Koilwar, District- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Awadhesh Kumar Mishra
For the Opposite Party/s	:	Mr. Kalyan Shankar
For the informant	:	Mr. Mukesh Kumar Rana

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 26-06-2019 Heard learned Counsel for the petitioner, learned Counsel for the informant and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Koilwar Police Station Case No. 373 of 2017, disclosing offences under Sections 406/409/420 of the Indian Penal Code.

The allegation against the petitioner, in the First Information Report, is that the petitioner was the Incharge Headmaster and was allotted some fund for construction of school building, under the direction of the District Magistrate, Bhojpur and after enquiry, it was found that the construction of school building has not been completed, hence the Block Development Officer has lodged the present First Information



Report against the petitioner and other Headmasters and Incharge Headmasters.

Learned Counsel for the petitioner submits that the due to non-availability of sand, there was some delay in the construction of school building. He further submits that a report was called for by this Court from the District Programme Officer on the point that whether the salary of the petitioner has been ordered to be paid or not and as to whether the construction of school building has been completed or not.

From perusal of the report, it appears that the arrears of salary of the petitioner has been approved and the petitioner is also receiving his salary regularly. Further statement in the report is that the construction of school building has, now, been completed and only the finishing work, i.e. partial plaster, flooring and white washing is yet to be done.

Learned Counsel for the petitioner informs this Court that as on today, the entire work of the construction of school building has been completed.

After having heard learned Counsel for the parties, it transpires that there is no allegation of defalcation of Government money against the petitioner and the only allegation against him is of committing delay in the construction



of school building, in question, and, now, the entire construction of the school building is over.

Considering the facts and circumstances of the case, this application is allowed.

Let the petitioner, Md. Ayub Alam, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, at Ara, in connection with Koilwar Police Station Case No. 373 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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