

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31 of 2019

Arising Out of PS. Case No.-28 Year-2018 Thana- CHUTIA SAHAYAK District- Rohtas

Dharmendra Kumar son of Sri Somaru Thakur, Resident of Village-Tiyara,
Police station-Chutiya, District-Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Choubey Jawahar, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Srivastava (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 08-01-2019 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection
with Chutiya P.S. Case No. 28 of 2018 registered for the offences
punishable under Sections 406, 409, 420/34 of the Indian Penal
Code.

Informant is District Programme Officer, who in his
letter addressed to Block Education Officer has alleged against
petitioner who was the In-charge head master of the school that
although Rs. 10,28,840/- was withdrawn for construction of 2 +
1 ACR room in the school but it was partly constructed and as per
measurement Rs. 675108/- was spent and construction work for
the remaining amount was still pending and on basis of said
written complaint FIR was instituted against the petitioner.

It has been submitted on behalf of petitioner that the



allegation as contained in FIR is based on factually incorrect facts and even otherwise the building has been completed and all the amount which was withdrawn for construction of school building has been spent upon the said construction for which Annexure-2 completion certificate has been issued by the District Programme Officer. Petitioner has no criminal antecedent. Petitioner is in custody since 21.11.2018.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Aditi Gupta, learned Judicial Magistrate, Dehri, in connection with Chutiya P.S. Case No. 28 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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