

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7964 of 2020

Arising Out of PS. Case No.-72 Year-2016 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

=====

RAM PRAKASH YADAV Son of Late Ramkhelavan Yadav Resident of
Village- Agropatti, P.S.- Benipatti, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amarnath Sinha Son of Late Ramcharitra Sinha Resident of Village-
Chholikadha, P.S.- Benipatti, District- Madhubani.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 29-02-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner apprehends his arrest in a case registered
for the offence punishable under Sections 341, 323, 406, 120B,
420, 467, 468 of the Indian Penal Code.

Informant who is the Principal of Government School
has alleged in his complaint petition that FIR named accused
including the petitioner who is a Ward Member and President of
Vidhayalya Prabandhan Samiti had defalcated amount of
Rs.86,200/- and Rs.53,890/- which were provided for
construction of extra class room and tin-shed. It is further
alleged that accused nos.1 to 3 are the owners of Brick kiln,



cement and stone-chips and money was given to them for said purpose but they are neither returning the money nor making any construction. Petitioner was the guarantor against said money which was provided to accused nos.1 to 3.

It is submitted on behalf of the petitioner that he is innocent and present case has been filed by the informant only to save his skin against FIR instituted against him by Block Development Officer giving rise to Benipatti P.S. Case No.13/2016. The amount can be withdrawn by the signature of Headmaster and Secretary of Samiti and he is the Chairman of Vidhayalya Shiksha Samiti and has nothing to do with the said withdrawal of money and giving to accused nos.1 to 3 for supply of material. Petitioner has got no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Complaint Case No.72 of 2016 (Trial No.1535 of 2018) subject to the condition as laid down under Section 438(2) of the Cr.P.C with following 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 present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bond.

(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)

Sanjay/-

U		T	
---	--	---	--

