

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81832 of 2019

Arising Out of PS. Case No.-172 Year-2016 Thana- KATEYA District- Gopalganj

Girish Tiwari, Male, aged about 41 years, Son of Chandrabali Tiwari,
Resident of Village-Nirpat Chhapar, P.S-Kateya, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-02-2020 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Kateya P.S. Case No. 172 of 2016 registered for the offence
punishable under Section 409/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner has been falsely implicated on the accusation of
misappropriation of government funds inasmuch as
construction of the school building was not made despite
withdrawal of funds from the Government. It is submitted that
the petitioner, who was the Incharge Headmaster of the
concerned school at the relevant time, had got construction
work started which, however, delayed on account of certain



dispute but subsequently, the entire construction work has been completed in respect of which no dues certificate dated 04.12.2018 (Annexure-P/4) has been issued. Learned counsel for the petitioner further submits that the petitioner has clean antecedent. Learned counsel for the petitioner further submits that similarly situated person has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 27.03.2019 passed in Cr. Misc. No.17580 of 2019.

In the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Gopalganj in connection with Kateya P.S. Case No. 172 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C. and with further condition :-

(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 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.

(iv) That the petitioner shall cooperate 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.

(Anjani Kumar Sharan, J)

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