

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5000 of 2021

Arising Out of PS. Case No.-5 Year-2016 Thana- SHANKARPUR District- Madhepura

ANMOL KUMAR Son of Lt. Surya Narayan Yadav Resident of Village -
Shiv Nagar Paraiya, P.S.- Kumarkhand, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma- Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh-APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 06-08-2021 Heard Mr. Dinesh Prasad Verma, the learned
Advocate for the petitioner and Mr. Ram Priya Sharan Singh,
the learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Sankarpur P. S. Case No.05 of 2016, instituted for the offences under Sections 406, 420, 467, 468, 471, 120(B) of the Indian Penal Code.

The accusation in the F.I.R. lodged by the Incharge Headmaster of a school is that the petitioner was given Rs.15,28,437/- for constructing a new school building and toilet but, only the work of the value of Rs.11,87,367/- was completed. The further allegation is that the petitioner ran away without completing the work against the balance amount and



therefore, it has been alleged that he has embezzled public fund.

Mr. Verma, the learned Advocate for the petitioner has submitted that the accusation is absolutely false. In fact, according to the measurement book, the entire work has been completed.

Apart from this, it has been submitted that for some work, which has been left unfinished, the petitioner cannot be held responsible for the same as he was only a technical supervisor and worked as an operator and not as the person who was given charge of construction. The amount of Rs.15,28,437/- is not stated to have been given to the petitioner in his account or by cash. Thus, the accusation is vague and appears to have been lodged in extreme haste.

Regard being had to the fact that for major part of the money which was earmarked for the purpose of construction, work has been done, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Madhepura in connection with Sankarpur P. S. Case No.05 of



2016, subject to the conditions laid down under Section 438(2)
of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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