

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58053 of 2021

Arising Out of PS. Case No.-70 Year-2019 Thana- SIWAIPATTI District- Muzaffarpur

RAMNATH SUMAN Son of Late Mahavir Chaudhary Resident of Village
and P.O. - Tengrari, P.S. - Siwaipatti, District - Muzaffarpur.

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Ashish Giri, Advocate.
For the State : Mr. Abhay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 09-02-2022 The applicant is given out of turn hearing because of
marriage of his son.

The applicant is an accused in Crime No.70 of 2019 registered with Police Station-Siwaipatti for the offences punishable under Sections 420 and 409 of the Indian Penal Code.

The learned counsel appearing for the applicant argued that there are no allegation against the applicant in the F.I.R. lodged by the Block Education Officer. The prosecution is relying on the inquiry report submitted by the District Programme Officer. The investigation of the subject crime is already over and the applicant is behind the bars from 13.06.2021.

The learned A.P.P. opposed the application by contending



that the applicant has committed criminal breach of trust and has cheated the State exchequer.

I have considered the submissions so advanced and perused the materials placed on record.

Prima facie, it is seen that the F.I.R. is as vague as it can be and it is lodged irresponsibly by the concerned Government Officer. In the F.I.R., reliance is placed on the inquiry report. The inquiry report contains allegation that despite release of grant, construction work is not over and the applicant who happened to be the Headmaster of the Government School had failed to produce the relevant records in order to ascertain whether the payment was actually made on different counts to the students and whether the amount was spent on the heads for which it was released by the State.

The investigation of the subject crime is over. The offences as alleged against the applicant are triable by the Magistrate. The applicant was working as Headmaster of the Government School. As such there is no possibility of non-availability of the applicant for facing the trial. The offence is based on the documentary evidence and therefore I see no reason to deny bail to the applicant. Therefore, the following orders:

- (i). The application is allowed.



(ii). The applicant/accused in Crime No.70 of 2019 registered with Police Station-Siwaipatti for the offences punishable under Sections 420 and 409 of the Indian Penal Code, be released on bail on executing P.R. bond of Rs.10000/-(Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:

- (I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.
- (II). The applicant should cooperate the trial in expeditious disposal of the trial against him.
- (III). The applicant should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.
- (IV). The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.



The applicant to remove all office objections forthwith
and the Registry to issue the certified copy of this order only
after removal of office objections by the applicant/accused.

(A. M. Badar, J)

P.S./-

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