

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10899 of 2024

Arising Out of PS. Case No.-189 Year-2017 Thana- MUSAHARI District- Muzaffarpur

Ram Lakhan Das Son Of Late Yadu Das Resident Of Village- Raghunathpur,
Ps- Mushahari, Distt- Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Niraj Kumar, Advocate Ms. Saloni Sinha, Advocate
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Mushahari P.S. Case No.189 of 2017, lodged on 08.10.2017,
under Section 409 of the Indian Penal Code.

3. As per prosecution, FIR has been lodged against the
present petitioner. Allegation in the FIR is that the petitioner,
who was the suspended Principal of the School, is alleged to
have received rupees twenty lakhs and odd in his name and in
the name of one Bhushan Kumar in violation of the rule and he
has not handed over the entire charge of the school.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel



submits that defalcation of government money is wrong as he has constructed the building in which class is going on. He further submits that chartered accountant has verified the accounts then only defalcation of such amount twenty lakhs and odd has been filtered. Counsel submits that petitioner is aged about 64 years. He is in custody since 21.10.2023 and is accused in one more criminal case with same allegation, in which he was granted anticipatory bail.

5. Learned counsel for the State opposes the prayer for bail and submits that petitioner was the custodian of the government money and case of criminal breach of trust has been lodged.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be released on **provisional bail** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Court No.12, Muzaffarpur (East), in connection with Mushahari P.S. Case No.189 of 2017, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailor should be the family member of



the petitioner who shall provide official document to show his bona fide;

(ii) The petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(iv) **The petitioner after release on provisional bail shall file all documents before the trial Court within 120 days satisfying him that work has been done by him then the trial Court shall confirm the provisional bail. If within that period, he does not satisfy the trial Court that work has been done then his provisional bail shall be cancelled.**

7. Accordingly, this application is disposed off.

(Dr. Anshuman, J)

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