

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12264 of 2015

Arising Out of PS.Case No. -169 Year- 2014 Thana -BAIKUNTHPUR District- GOPALGANJ

Raman Kumar Kashyap, S/O Shankar Prasad, Vill.- Sabili, P.S.-
Baikunthpur, Dist.- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Advocate
For the Opposite Party/s : Smt. Suman Kumari Singh(APP)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 23-07-2015 Heard learned counsel for the petitioner, the learned
counsel for the informant and the learned counsel for the State.

The petitioner is apprehending his arrest in connection
with Baikunthpur P.S. Case No.169 of 2014 for allegedly having
committed the offences under Sections 341, 323, 307, 353, 354
and 504 of the Indian Penal Code.

Learned counsel for the petitioner submits that in the
present case the informant is the Principal of the School, who
has been involved in several malpractices regarding
misappropriation of funds, which have been received from mid-
day meals and other such programmes. Learned counsel for the
petitioner further submits that on account of her
highhandedness, the other faculty members of the School and



the petitioner, who is an Assistant Teacher, have been making their protests. It is submitted that it is on account of such protests made by the petitioner and the other teachers that the present case has been lodged. Learned counsel for the petitioner has drawn my attention to the F.I.R. registered by the petitioner on the subsequent date and on the said date she herself indulged in *Marpit* by the husband and sons of the informant who had come to the School and attacked the petitioner while he was taking attendance of Class VI. Learned counsel for the petitioner further submits that there is case and counter case and the injury report (Annexure 4 series) reveals that the petitioner has also sustained injuries and have been referred to the Sadar Hospital, Gopalganj for further treatment after having obtained primary medical attention.

Learned counsel for the informant is also present. She submits that the petitioner is a Block Teacher, who is a habitual offender and does not attend his duties and is in the habit of coming late and snatching the attendance register and making his attendance. She submits that because of the fact that the petitioner had tried to snatch the register, that the present occurrence took place. However, a perusal of the F.I.R. itself reveals that the informant has got the present case lodged



naming certain other persons, who are said to have made demand of Rangdari of Rs.1,00,000/-. It is also evident from the F.I.R. that such persons, who had come in and indulged in such acts of misdemeanour, had also attacked her. In the F.I.R. the informant has stated that the petitioner has also come in and attacked her. It is further stated that they came in her office room, indulged in the acts of misdemeanour causing obstruction to her official work and also physically attacked her.

Learned counsel for the State after perusal of the case diary submits that both the parties have filed their respective F.I.Rs., but the entire case diary has not been received. It appears that even in the court below, the case diary was not received and, therefore, the matter was adjudicated without the case diary.

Considering the nature of allegations, the case and counter case and also the submissions advanced by the informant and the petitioner and the fact that the petitioner has no criminal antecedents, let the above named petitioner, in the event of his arrest or surrender before the court below within a period of three weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount

each to the satisfaction of Shri R.K. Tripathi, learned Judicial Magistrate 1st Class, Gopalganj, in connection with Baikunthpur P.S. Case No.169 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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