

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17652 of 2015

Arising Out of PS.Case No. -319 Year- 2014 Thana -MUFFASIL District- AURANGABAD

Rajendra Pd. Singh, son of late Ram Nandan Singh, retired Incharge Headmaster of Middle School Yari, R/V Patya, P.S.- Madanpur, District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 23-07-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 406/408 of the Indian Penal Code and the admitted position that the petitioner was the Incharge Headmaster in Middle School, Yari, Aurangabad, against whom it was found that he had drawn a sum of Rs. 40,199/- in excess and he, despite being directed by the superior officer, had refused to deposit the said amount, as a result whereof, the present F.I.R. has been lodged, this Court, in view of the submission of the learned counsel for the petitioner that since the petitioner has not been paid any retirement benefit, he is not in a position to refund the aforesaid amount of Rs. 40,199/- specially when his wife also has died only on account of want of fund for her treatment, it would be inclined to grant privilege of anticipatory bail to the petitioner if the petitioner gives an undertaking to the District Programme Officer, Prarambhik Shiksha & Sarv Shiksha Abhiyan, Bihar Shiksha Pariyojana, Aurangabad that the said amount of Rs. 40,199/- shall be recovered

from the amount of pension/gratuity of the petitioner by way of its being dues and that the same will also be form part of the No Dues Certificate while clearing the payment of retirement benefit of the petitioner.

That being so, if the petitioner, namely, Rajendra Prasad Singh, surrenders before the court below within a period of four weeks from today, he shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad Muffasil P.S.Case No. 319 of 2014; subject to the following conditions:

- (i) That such written undertaking given by the petitioner to the District Programme Officer, Prarambhik Shiksha & Sarv Shiksha Abhiyan, Bihar Shiksha Pariyojana, Aurangabad shall also be produced by the petitioner before the court below showing its receipt by the office.
- (ii) That the recovery of Rs. 40,199/- shall be made accordingly from the petitioner at the time of payment of retirement benefit.
- (iii) That both the bailors will be close family relatives of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform

the court if there is any change in the address of the petitioner.

- (iv) That the affidavit shall clearly state that the petitioner is not accused in any other case and if he is, he shall not be released on bail.
- (v) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of his bail on the ground of misuse.
- (vi) That the petitioner will be well represented on each and every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

Let a copy of this order be also sent to District Programme Officer, Prarambhik Shiksha and Serva Shiksha Abhiyan, Bihar Shiksha Pariyojna, Aurangabad for ensuring the recovery of amount of Rs. 40,199/- is made from the retirement benefit of the petitioner.

(Mihir Kumar Jha, J)

Sujit/-

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