

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44943 of 2014

Arising Out of PS.Case No. -203 Year- 2014 Thana -SABAUR District- BHAGALPUR

Rakesh Kumar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhileshwar Singh

For the Opposite Party/s : Mr. Nand Kishor Pd.(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 04-08-2015

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 406, 420, 504 and 506 of the Indian Penal Code.

The prosecution case is that from the audit report dated 28.02.2013 of the Delhi Public School, Sabour, Bhagalpur it gets reflected that ₹05,03,683/- have been misappropriated by the petitioner being the Principal of the said school at the relevant time.

It is submitted by learned counsel for the petitioner that the petitioner resigned from the post of Principal of Delhi Public School, Sabour, Bhagalpur on 28.12.2012 and at present, he is the Principal of Rose Valley School, Bhagalpur. Annexure-5 has been brought on record to suggest that 'No Dues' certificate has been



issued in favour of the petitioner on his resignation by the successor of the petitioner in the office that includes no dues with regard to Accounts Department also and since the petitioner joined a different school, hence as a pressure tactic the informant got prepared a manipulated audit report to implicate the petitioner. The audit report only suggests the outstanding dues with regard to fee to the tune of ₹3,85,779 and imprest money to the tune of ₹1,17,904/-, hence it is submitted that the audit report does not indicate misappropriation by the petitioner. Moreover, the investigation has already concluded and final form has been submitted. It is not the case of the informant or the State that the petitioner did not co-operate in the investigation. A statement has been made in para 3 of the petition that the petitioner has no criminal antecedent.

It is submitted by learned counsel for the informant and learned A.P.P. after going through the case diary that audit report reflects that ₹5,03,683/- were found outstanding during financial year 2011-12 when the petitioner was the Principal of the school in question but do not dispute that the petitioner cooperated in the investigation and the investigation has already concluded.

Considering the fact that on resignation of the petitioner 'No Dues' certificate was issued by the school authority

particularly no dues for the Accounts Department and the investigation has already concluded, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bhagalpur in connection with Sabour P.S. Case No. 203 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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