

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45937 of 2015

Arising Out of PS.Case No. -25 Year- 2015 Thana -BIHRA District- SAHARSA

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Smt. Indra Kumari @ Indra Kumari W/o Amar Nath Jha Resident of
Village - Baruari (East), Police Station - Supaul, District - Supaul.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. Ashok Kumar Singh 1 (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 02-11-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under sections 467, 468, 420, 409 of the Indian Penal Code this Court taking into account the specific allegation against the petitioner of not only disobeying the orders of the higher authorities with regard to handing over the charge of the post of Headmistress of the School but also in a way trying to conceal the total accounting of the amount that was entrusted to her in capacity of the Headmistress would not be inclined to grant privilege of anticipatory bail either on the basis of a case filed by her against the Block Education Officer on 9.1.2015 or on the basis of that the amount of defalcation has not been specified in the F.I.R.

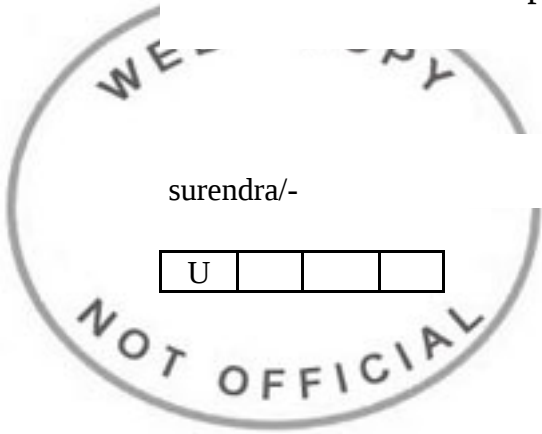
It has to be kept in mind that the petitioner was a defiant Headmistress who had capacity and courage to flout the order of



the superiors, as a result whereof she was placed under suspension by an order dated 14.11.2014 on the ground of charges against her to be found to be prima facie proved with regard to defalcation. The petitioner did not handover the charge even after the order of suspension though she was asked by the Block Education Officer under the order of the District Programme Officer on 2.1.2015, 3.1.2015, 7.1.2015 and 8.1.2015 to handover the charge so that the exact amount of defalcation could be discovered. The petitioner, however, had still remained adamant and did not handover the charge and went to file a case against the Block Education Officer on 9.1.2015. Thus, merely because the present case was filed against the petitioner on 15.1.2015 under the report of the Block Education Officer whole allegation cannot be said to become false.

Here is the case where the petitioner in capacity of Headmistress having been entrusted with public fund has failed to account for them and therefore, she will not be entitled for privilege of anticipatory bail even on the ground that she is a lady and now has retired from service in the month of August, 2015. The petitioner, therefore, must surrender, whereafter her prayer for regular bail shall be considered on its own merit.

With the aforementioned observation, this application for
anticipatory bail is dismissed.



(Mihir Kumar Jha, J)