

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46055 of 2014

Arising Out of PS.Case No. -671 Year- 2014 Thana -ARARIA(R.S.) District- ARRARIA

1. Chaman Lal Son of Late Nauat Lal Resident of Marwari Patti, Ward No.-
17, P.S.- Araria, District- Araria, Posted as Head Master, Utkramit Middle
School, Rahikpur Kanya Uchha Vidyalaya, P.S.- Araria, District- Araria

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.2357 of 2015

Arising Out of PS.Case No. -671 Year- 2014 Thana -ARARIA District- ARRARIA

1. Smt. Nirmala Verma @ Nirmala Verma, Asst. Teacher Wife of
Gyanendra Kumar Verma Upgraded Middle School Bahikpur Kanya
Araria, P.S- Araria R.S(O.P), District - Araria. Permanent Address-
Resident of Village - Kharhia Basti, Ward No- 13 P.S- AND Distt- Araria

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.46055 of 2014)

For the Petitioner : Mr. Akhileshwar Prasad Singh,
Sr.Advocate

For the Opposite Party : Mr. Anil Kr.Singh, APP

(In Cr.Misc. No.2357 of 2015)

For the Petitioner : Mr. Anil Prasad Singh

For the Opposite Party : Mr. Anil Kumar Singh ,APP

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

5 22-05-2015 Both the applications arise out of Araria(R.S.) P.S.

case no. 671 of 2014 and as such they have been heard together

and are being disposed of by a common order.

Heard the parties..

The Block Development Officer lodged the FIR vide Ararai P.S. case no. 671 of 2014 registered under Sections 420, 409, and 120-B of the IPC alleging that the petitioner of Cr. Misc. no. 46055 of 2014 being the in-charge headmaster and petitioner of Cr. Misc. no.2357/2015 being Assistant Teacher of school in question were assigned construction work of the building of the school. In two transactions altogether nearly 18 lacs was deposited in the account. Nine lacs and odd was withdrawn by the accused persons but the construction was partly made. In this way they had misappropriated the government fund.

It has been submitted on behalf of the petitioners that they are still willing to execute the job as per the specification. Owing to illness and some other reasons, the construction could not be completed. Both the petitioners still have tenure in their office and if any such misappropriation of government fund is found they can be proceeded against departmentally besides the present criminal prosecution. The petitioners have deposited after lodging of the case altogether a sum of Rs. 7,40,000/- (Seven Lacs Forty Thousand) in the account to be utilized for completion of the construction work. The aforesaid facts has been stated in the supplementary affidavit.

It is further submitted that in the event of grant of privilege of anticipatory bail, they would complete the construction work in right earnest as per the specification(s).

In the facts and circumstances of the case, I am inclined to grant the petitioners of both the applications the privilege of anticipatory bail. Let the petitioners, named above, in the event of their arrest/surrender before the learned Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Araria (R.S.) P.S. case no. 671 of 2014, subject to the condition as laid down under Section 438(2) of the Cr.P.C. with following conditions:-

- (i) One of the bailors in each case shall be the own/close family members of the petitioner.
- (ii) As soon as the charges are framed the petitioners shall appear in person before the trial Court on the date(s) fixed at the trial. In case of default in such appearance on two

consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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