

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12728 of 2015

Arising Out of PS.Case No. -153 Year- 2014 Thana –GOVINDGANJ
District- EAST CHAMPARAN(MOTIHARI)

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Randhir Kumar, Son of Late Surendra Prasad, resident of Village -
Damodarpur Mathiya, P.S. Malahi, District - East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 06-10-2015 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is a retired Headmaster, who is apprehending his arrest in connection with Govindganj (Malahi) P.S. Case No.153 of 2014 for allegedly having committed the offence under Sections 467, 468, 471, 409 and 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that certain amounts were released for construction of the School buildings under Sarva Siksha Abhiyan at Areraj.

Earlier, since the investigation was incomplete, a report was called for from the Superintendent of Police, Motihari for issuing direction to the concerned I.O. to examine

the records of the schemes as well as other relevant documents within a period of one month from the date of receipt of a copy of the order of this Court dated 22.5.2015.

However, report has been submitted today, from which it appears that till date it has not come to light as to who was the concerned Principals and the Secretaries of the School during which period the alleged defalcation is said to have been made and what constructions were made for the period 2006-2011. Learned counsel for the petitioner further submits that till date there has been no measurement of the construction of the buildings made and as such, no liability can be fasten on this petitioner who has since retired.

Considering the aforementioned facts and circumstances and that the F.I.R. itself is based on conjectures, having no case which *prima facie* formed the substance of the allegations, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, East Champaran, Motihari, in connection with

Govindganj (Malahi) P.S. Case No.153 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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