

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51153 of 2015

Arising Out of PS.Case No. -134 Year- 2015 Thana -BARIYARPUR District- MUNGER

1. Uday Kumar Vidyarthi, son of Mahangi Pandit, resident of Village-
Rajdhan, Police Station- Bariyarpur, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.51175 of 2015

Arising Out of PS.Case No. -134 Year- 2015 Thana -BARIYARPUR District- MUNGER

1. Harishchandra Kumar Paswan, son of Deoki Paswan Resident of Village-
Athasaihiya, P.S. Bariyarpur, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.51153 of 2015)

For the Petitioner/s : Mr. Indu Bhushan

For the Opposite Party/s : Mr. Smt. Indu Bala Pandey(App)

(In Cr.Misc. No.51175 of 2015)

For the Petitioner/s : Mr. Indu Bhushan

For the Opposite Party/s : Mr. Madhuranand Jha(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-11-2015 Heard learned counsels for the petitioner and the State.

The petitioners being the Assistant Teachers of Middle
School are apprehending arrest in a case registered for the offences
punishable under Sections 467, 468, 471, 402 and 420/34 of the
Indian Penal Code.

The prosecution case is that Binay Kumar Binayak



being the Headmaster of Middle School, Kare Mandal Tola, Bariyarpur in league with the petitioners being the Assistant Teachers inflated the attendance of the students and thereby misappropriated ₹1,87,000/- under the Dress and Scholarship Scheme. Before lodging of the FIR, enquiry was conducted by Block Education Officer, Bariyarpur and the enquiry report is the basis of the FIR. The enquiry report suggests nothing against the petitioners but in the FIR it is alleged that petitioners were also the parties who inflated the attendance of the students in the attendance register.

It is submitted by learned counsel for the petitioners that this is not in dispute that money was withdrawn with the joint signature of Secretary and Headmaster of the school. It is further submitted that the petitioners were transferred from the concerned school to Middle School, Lakshmipur and Reta respectively in March, 2015 when the money was withdrawn in July, 2015. A statement has been made in para 3 of the petition that the petitioners have no criminal antecedent.

Considering the thrust of accusation against the Headmaster and Secretary of the School, let the above named petitioners 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) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Munger in connection with Bariyarpur P.S. Case No. 134 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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