

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38795 of 2015

Arising Out of PS.Case No. -103 Year- 2015 Thana -BIHRA District- SAHARSA

Suresh Kumar Mishra, S/o Fekan Mishra, R/o village + PO-
Binabahangama, P.S. & District Supaul. Ex- Headmaster of Utkramik
Middle School Kumhrahath, P.S.- Bihra, Dist- Saharsa

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Nagendra Prasad (App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 14-12-2015 Heard learned counsel for the petitioner and
learned counsel for the State.

The petitioner, a retired Head Master, in-
charge of Utkramit Middle School, Kumrarghat,
apprehends his arrest in connection with Bihra P.S.
Case No. 103 of 2015 registered for the offences
punishable under Sections 420, 406 and 409 of the
Indian Penal Code.

Learned counsel for the petitioner submits
that an FIR was lodged against the petitioner alleging
defalcation/misappropriation of an amount of Rs.
6,00000/- for the financial year 2006-2007 and an
amount of Rs. 8,28,000/- for the financial year 2010-



11. It is further submitted that so far as computation of amount is concerned; the same was done in absence of any measurement of the construction work, made in the school and the entire figures are wholly far-fetched and misconceived. It is further submitted that the petitioner had approached to this Hon'ble Court by filing a writ petition vide C.W.J.C. No. 10356 of 2015 and a Bench of this Hon'ble Court by order dated 20.07.2015, issued a direction for measurement of the work, claimed to have been completed by the petitioner. It is further submitted that accordingly, the measurement has been made and at present an amount of Rs. 1,77,164/- only remains to be paid as per the said measurement, however, the petitioner has also disputed the aforementioned amount.

Considering the fact that the petitioner is a retired employee and departmental proceeding is also pending before the concerned authorities and that, there is no chance of any further manipulation of accounts, 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 enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saharsa in connection with Bihra P.S. Case No. 103 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C..

(Anjana Mishra, J)

Jagdish/-

U			
---	--	--	--