

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12369 of 2015

Arising Out of PS.Case No. -446 Year- 2013 Thana -SARAN COMPLAINT CASE District-SARAN

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Babban Tiwari

.... Petitioner

Versus

1. The State of Bihar.
2. Manoj Kumar Singh.

.... Opposite Parties.

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Appearance :

For the Petitioner : Mr. Umesh Kumar Mishra, Advocate.
For the State : Mr. Tapeswar Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-03-2015 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending his arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 353, 447 and 403 of the Indian Penal Code.

It is alleged that the petitioner being the Headmaster of the School on his retirement did not hand over the complete charge which suggests that he embezzled the school fund.

It is submitted by learned counsel for the petitioner that the petitioner retired on 31.01.2013 and thereafter the present complaint was filed on 25.02.2013. The complainant was suspended vide Memo

No. 1226 dated 28.11.2011 on the complaint of the petitioner hence, as a retaliatory measure the present complaint has been filed. The District Programme Officer (Establishment), Saran at Chapra, vide letter dated 12.06.2013, informed the learned Judicial Magistrate that the petitioner handed over the complete charge on 11.03.2013 to Nitya Nand Mishra. A statement has been made in paragraph no. 3 of the petition that the petitioner has no criminal antecedent.

Considering the aforesaid facts, let the petitioner, above named, be released on bail in the event of arrest or surrender before the learned court below within a period of twelve weeks from today in connection with Trial No. 4323 of 2013, arising out of Complaint Case No. 446 of 2013 on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Saran at Chapra, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

(Dinesh Kumar Singh, J)

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