

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29337 of 2014

Arising Out of PS.Case No. -686 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Dasrath Yadav S/o Late Gajo Yadav Resident of Village and P.O. Shivnar, P.S. Mokama, District Patna. Head Master of the Basudeo Parvati High School, Shivnar.
2. Ashok Kumar S/o Kamleshwari Singh (Not Kameshwari Singh as noted in the complaint petition) Resident of Village Jaitpur, P.S. Barahia, District Lakhisarai (Asst. Teacher).
3. Gopal Kumar S/o Bindeshwari Sharma Resident of Village Maranchi, P.S. Maranchi, District Patna (Asst. Teacher), working in Basudeo Parvati High School, P.S. Mokama, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Arun

For the Opposite Party/s : Mr. Iftekhar Mahmood (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 09-01-2015 Heard learned counsel for the petitioners and learned counsel representing the State.

Petitioners apprehend their arrest in Complaint Case No. 686 (c) of 2013 in which cognizance has been taken under Sections 420, 406, 467, 468, 471, 379, 427 and 504 of the Indian Penal Code.

Complainant and his ancestor donated some land to establish high school in the name of his late uncle Basudeo Singh and the complainant started working as founder-cum-president of



the high school and the school building and other infrastructure were made by the complainant on his own fund, thereafter, the operation of the school was started. The petitioner Dasrath Yadav was appointed as Incahrge Headmaster and petitioner nos. 2 and 3 were appointed as Assistant Teachers and they in collusion and in conspiracy constituted a new committee and executed a registered deed before the Sub-Registrar, Barh without his consent and on protest again petitioners constituted second committee and executed registered deed before the Sub-Registrar, Barh on 29.7.2013. It is further alleged that the petitioners in collusion and in conspiracy committed theft of important documents and misappropriated funds of the school about rupees ten lakhs.

Submission is that for smooth running of the school, the committee was constituted and registered deed of committee was executed. Petitioner no. 1 has never submitted his resignation paper and all the allegations are false and concocted and no fund was ever misappropriated, and as such, the petitioners deserve sympathetic consideration because they are founder incahrge headmaster and assistant teachers.

Learned APP and learned counsel appearing on behalf of the complainant opposed the prayer for bail by submitting that during inquiry the complainant and witnesses fully

supported the complainant’s case.

Considering the submissions urged at bar, after going through the records and noticing that both the parties are claiming in their own capacity, as such the petitioners above named, in the event of their arrest or surrender within a period of two months from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Shri Ram Jha, J. M. Ist Class, Barh, Patna in connection with Complaint Case NO. 686 (C) of 2013, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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