

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31125 of 2014

Arising Out of PS.Case No. -93 Year- 2014 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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Md. Kaish @ Laddu, son of Md. Mobaraque, resident of village Chapra Bahas, P.S. Sugauli, District East Champaran, presently posted as Prakhanda Teacher, Govt. Middle School, Chapra Bahas, under Sugauli Block, district East Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Adv.
For the Opposite Party/s : Mr. J.N.Thakur, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 30-01-2015 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner, apprehending his arrest in connection with Sugauli P.S. Case No. 93 of 2014 registered for the offences punishable under Sections 420, 409, 467, 468 and 120 (B) of the Indian Penal Code, seeks the privilege of pre-arrest bail.

Allegedly, the petitioner being the Teacher is said to have sold the Mid-Day Meal rice in black-marketing.

Submission is that the petitioner was not caught. He is not the In-charge of Mid-Day Meal rather the Headmaster is In-charge of Mid-Day Meal. It is alleged that one Fulchand Mian was caught by the villagers with 65 kilograms of rice and that Fulchand Mian alleged that he has purchased the same from the petitioner, which is also not a fact. The petitioner is Assistant Teacher and he was not entrusted rice with the Mid-Day Meal

Scheme and as such no offence under Section 409 of the Indian Penal Code is made out. During the supervision, the Supervising Officer has not found the case true under Sections 420, 467 and 468 of the Indian Penal Code and as such, the petitioner may be granted the privilege of pre-arrest bail.

The learned A.P.P. opposes the prayer of pre-arrest bail by submitting that from the impugned order, it reveals that Fulchand Mian was caught by the villagers and he disclosed the name of the petitioner.

In the facts and circumstances as stated above, considering that the petitioner was not caught with any rice and as such, the petitioner, in case of his arrest or surrender within two months from the date of receipt/production of the copy of this order, shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Motihari in connection with Sugauli P.S. Case No. 93 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Jitendra Mohan Sharma, J.)

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