

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57204 of 2015

Arising Out of PS.Case No. -733 Year- 2011 Thana -COMPLAINT CASE District- SUPAUL

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1. Kashi Nath Thakur, son of Late Sichai Thakur, Headmaster, Surpati Sanskrit High School, Madhubani, Block- Chhatapur, P.S. Balua Bazar, District- Supaul.
 2. Abhya Kant Mishra, son of Late Saryug Mishra, Assistant Teacher, Surpati Sanskrit High School, Madhubani, Block- Chhatapur, P.S. Balua Bazar, District- Supaul.
 3. Shubh Chandra Mishra, son of Late Shaini Mishra, Assistant Teacher, Surpati Sanskrit High School, Madhubani, Block- Chhatapur, P.S. Balua Bazar, District- Supaul.
 4. Devendra Jha, son of Late Chandeshwar Jha, Assistant Teacher, Surpati Sanskrit High School, Madhubani, Block- Chhatapur, P.S. Balua Bazar, District- Supaul.
 5. Shivakant Thakur, son of Late Laxmi Kant Thakur, Assistant Teacher, Surpati Sanskrit High School, Madhubani, Block- Chhatapur, P.S. Balua Bazar, District- Supaul.
 6. Devendra Kumar Mishra, son of Late Vidya Nath Mishra, Assistant Teacher, Surpati Sanskrit High School, Madhubani, Block- Chhatapur, P.S. Balua Bazar, District- Supaul.
 7. Baidya Nath Jha, son of Late Ram Shankar Jha, Assistant Teacher, Surpati Sanskrit High School, Madhubani, Block- Chhatapur, P.S. Balua Bazar, District- Supaul.
 8. Jai Narayan Mehta, son of Late Jagdeo Mehta, Assistant Teacher, Surpati Sanskrit High School, Madhubani, Block- Chhatapur, P.S. Balua Bazar, District- Supaul. All are resident of Village-Madhubani, P.S. Balua Bazar, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Pramod Jha, son of name not known to the petitioners, resident of village-Madhubani, P.S.- Balua Bazar, District- Supaul. Former Secretary, Surpati Sanskrit High School, At + P.O.- Madhubani, P.S.- Balua Bazar District- Supaul.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Ram Sumiran Roy (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2015

Heard learned counsels for the petitioners and the State.

The petitioners being Headmaster and Assistant Teachers of Surpati Sanskrit High School, Madhubani are apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under Section 406 of the Indian Penal Code.

It is alleged against the petitioners that they did not attend classes and misappropriated the government money by taking admission of the students illegally.

It is submitted by the learned counsel for the petitioners that the complainant is none else but the then Secretary of the School but he was removed from the post of secretary on 18.4.2011 and thereafter on 26.8.2011 the present complaint was lodged with frivolous allegations as retaliatory measure. The complaint was finally dismissed by the learned Magistrate but the dismissal of the complaint was challenged in revision, thereafter the revisional court vide order dated 20.4.2015 passed in Cr. Revision No. 8 of 2013 set aside the order of dismissal of the complaint and remanded the matter whereafter process has been directed to be issued. It is further submitted that the petitioners were not parties in the revision application and without hearing them the order prejudicial to their interest has been passed. This is not in dispute that without sanction order of cognizance has been passed and even

assuming the accusation no offence under section 406 IPC is made out.

Considering the nature of accusation and since the order of cognizance has been passed in pursuance to the revisional order wherein the petitioners were not made parties, 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 twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM II, Supaul in connection with Complaint Case No. 733 C of 2011 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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