

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49969 of 2014

Arising Out of PS.Case No. -289 Year- 2013 Thana -CHAPRA MUFFASIL District- SARAN

1. Yogendra Prasad Son of Late Raghunath Prasad Resident of village -
Ratanpura, Police Station - Bhagwan Bazar, District - Saran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.51630 of 2014

Arising Out of PS.Case No. -289 Year- 2013 Thana -CHAPRA MUFFASIL District- SARAN

1. Santosh Kumar Thakur Son of Late Lalji Thakur, resident of village-
Fakuli, P.S. Chapra, District Saran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.49969 of 2014)

For the Petitioner/s : Mr. Raghwendra Kumar, Advocate

For the Opposite Party/s : Mr. Suresh Pd.Singh(App)

(In Cr.Misc. No.51630 of 2014)

For the Petitioner/s : Mr. Lakshmi Kant Sharma, Advocate

For the Opposite Party/s : Mr. Veena Rani Pd.(App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 09-04-2015 Heard learned counsel for the petitioners and
learned counsel for the State.

The petitioners in Cr. Misc. No. 49969 of 2014 and
Cr. Misc. No. 51630 of 2014 apprehend their arrest in Chapra
Muffasil P.S. Case No. 289 of 2013, registered for the offences
punishable under Sections 420 of the Indian Penal Code and
7/8 of the Essential Commodities Act.



Learned counsel for the petitioners submits that the Block Education Officer, who is the informant in the present case, has filed the present First Information Report purely with malafide intention and without verifying the true facts of the case. Learned counsel for the petitioners submits that in fact, there is no cause for instituting the present prosecution as the mid day meals were found. Though not having been cooked particularly on that day but the grains for preparing for the same were stored. Learned counsel for the petitioner further submits that with regard to other allegation, regarding prosecution with regard to distribution of school uniform is concerned, the petitioners had not distributed it as the clothes in question for the reason that out of 588 children registered in the school only 279 had been coming to the school, which is not unnatural in any village. Learned counsel for the petitioners further submits that there had also not been any withdrawal of money regarding payment of scholarship which at best would amount to a dereliction of duty and would not constitute an offence.

Considering the aforesaid submission and also the fact that no specific case can be said to have been made out against the petitioners and that they are responsible Government officers, let the above named petitioners, in the event of their arrest or surrender before the court below within a period of two weeks from the date of receipt/production of a

copy of this order, are directed to be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Muffasil P.S. Case No. 289 of 2013, subject to the conditions as laid down under Section 438(2) of the Indian Penal Code.

(Anjana Mishra, J)

P.K./-

U		T	
---	--	---	--