

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.36158 of 2015**

Arising Out of PS.Case No. -18 Year- 2011 Thana -KASMA District- AURANGABAD

- =====
1. Sharwan Kumar, son of Shankar Mistri
  2. Wasim Anwar, son of late Abdul Gafur

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shri Krishna Sinha, Advocate

For the Opposite Party/s : Mr. Atul Chandra (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

**ORAL ORDER**

2      10-09-2015                      Heard learned counsels for the petitioners and the State.

The petitioners being the headmasters of different schools are apprehending arrest in a case registered for the offences punishable under Section 409/34 of the Indian Penal Code.

The accusation is of non-submission of AC/DC bills against the funds allotted for reconstruction of boundary wall of the school and purchase of sports materials.

It is submitted by learned counsel for the petitioners that petitioner no.1 being headmaster of primary school Gaji Karma received only twenty thousand for sports materials against the same DC bill was submitted on 06.10.2010 and petitioner no.2 being headmaster of primary school Kashi Bigha received

one lack and twenty thousand rupees for construction of boundary wall and purchase of sport materials and against the same DC bill was submitted on 17.03.2008 and it was resubmitted on reminder of DC bills on 18.06.2011. The petitioners are not aware about the present case instituted against them. Moreover, the similarly situated co-accused persons have been granted bail vide Criminal Miscellaneous No. 13492 of 2014.

Considering the delayed lodging of the case and the accusation is with regard to irregularity committed in the accounting, 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 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Aurangabad in connection with Kasma P.S. Case No.18 of 2011, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Ashwini/-

**(Dinesh Kumar Singh, J)**

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