

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12260 of 2016

Arising Out of PS.Case No. -130 Year- 2015 Thana -MADANPURA District- AURANGABAD

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Anil Das S/o Ram Pravesh Das, Resident of Village - Bania, P.S. -
Madanpur, District - Aurangabad.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Krishna Singh, Sr. Advocate
Mr. Rakesh Singh, Advocate
Meena Singh, Advocate
Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Anil Kr.Singh , APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 23-05-2016 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
31.01.2016 in connection with Madanpur P. S. Case No. 130 of
2015 for offences alleged under Sections 409, 420 and 34 of the
Indian Penal Code.

The prosecution case as lodged by the informant is
that the informant, who is present Headmaster of Utcramit
Middle School, Padrawa and he joined on 22.12.2014 as In-
charge Headmaster in the said school and he came to know that
Anil Das has withdrawn Rs. 11 lacs from the account of school
bearing No. 0502000100342197 of the Punjab National Bank,



Aurangabad and on enquiry, the informant came to know that Anil Das and Secretary Smt. Sunaina Devi have withdrawn the money by their joint signature and prior to that Das has withdrawn Rs. 10, 3000/- from the school account with his joint signature and signature of Manti Devi and it has been found that without authority Anil Das used to withdraw money from the account of the school.

It has been submitted by the learned counsel for the petitioner that he was the then Headmaster and the informant took charge as the present Headmaster from him on 22.12.2014. He submits that all the money which was withdrawn under the joint signature of the Secretary one Sunaina Devi was for construction of the school building which has been constructed and final finishing has to be done. He further submits that he has been falsely implicated for embezzlement of the aforesaid amount, but as the then Headmaster, he had undertaken the construction work which is subject to accounts and he, being a Government servant, is a respectable person, has not defalcated and the matter relates to reconciling of the accounts. He further submits that being a Government servant, there is no question of absconding or tampering with the evidence. He further submits that the Junior Engineer and several other villagers

have stated that the construction work is almost complete and only finishing has to be done.

However, learned APP appearing on behalf of the State submits that the petitioner is named in the F.I.R. hence, opposes the prayer for bail.

Be that as it may, since the petitioner is a Government servant, a man of status and the accounts regarding construction has yet to be reconciled, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Madanpur P. S. Case No. 130 of 2015.

(Nilu Agrawal, J)

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