

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3942 of 2016

Arising Out of PS.Case No. -319 Year- 2014 Thana -MUFFASIL District- AURANGABAD

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Rajendra Prasad Singh, son of Late Ram Nandan Singh, resident of village-
Patya, P.S. Madanpur, District- Aurangabad, retired Incharge Head Master
of Middle School, Yaree, Police Station-Muzaffasil, District- Aurangabad
..... Petitioners

Versus

The State of Bihar

..... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ramakant Yadav

For the Opposite Party/s : Mr. Arun Kr.Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 02-09-2016

Heard Sri Anshuman Singh, learned counsel, who

was assisted by Sri Ramakant Yadav, learned counsel for the
petitioner and Sri Arun Kumar Pandey, learned Addl. Public
Prosecutor.

The petitioner, who is a retired Incharge
Headmaster, has approached this Court, invoking its inherent
jurisdiction under Section 482 of the Code of Criminal Procedure,
with a prayer to quash an order dated 06.11.2015 passed by the
learned Addl. Chief Judicial Magistrate-IIInd , Aurangabad in
Aurangabad Muffasil P.S. Case No.319 of 2014, G.R. No.2344 of
2014/ T.R. no.625 of 2015 registered for the offence under Section
406, 408 of the Indian Penal Code. By the said order, the learned
Magistrate after submission of chargesheet has passed order of
cognizance under Sections 406,408, 409 and 504 of the Indian

Penal Code and directed for issuance of process.

Learned counsel for the petitioner submits that the petitioner retired and while his retiral dues were pending, the department has lodged the present case. The present F.I.R. has been lodged on the allegation that the petitioner has defalcated about Rs.40,199/- from the government exchequer. It was submitted that the petitioner is ready to forego the said amount from his retiral dues. It was submitted that in the petition filed for grant of anticipatory bail, this observation was given by a Bench of this Court. On the aforesaid ground, he has prayed to quash the impugned order.

The Court is of the opinion that without any apparent error in the order impugned, there is no requirement for interference.

The petition stands dismissed.

(Rakesh Kumar, J)

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