

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9039 of 2016

Arising Out of PS.Case No. -11 Year- 2016 Thana -MARKAHI District- KHAGARIA

1. Md. Farooque S/o Late Md. Abul Kalam, aged about 44 years, Headmaster of Primary School Rasonk (Gharari) P.S. Morkahi, District- Khagaria, Resident of Village- Marar Dakshhini, P.S.- Morkahi, District- Khagaria.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

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

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-05-2016 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner apprehends his arrest in connection with Morkahi P. S. Case No. 11 of 2016 for offences alleged under Sections 467, 468, 471, 420 and 409 of the Indian Penal Code.

The prosecution case as lodged by the informant is that on 25.01.2016, 13 bags of Usna Rice was delivered to the school of the petitioner, but on the complain of the villagers, the inquiry was conducted by the District Programme Manager on 26.01.2016 and found only 4 bags of Usna Rice and rest Arwa Rice was found. He suspected that the headmaster namely Md. Farooque (petitioner) has misappropriated the rice meant for students.

It has been submitted by the learned counsel for the petitioner that only difference is of quality of rice but the quantity is not disputed. There was a difference of the quality of rice sent for mid-day meal being Usna rice and upon inquiry, it was found that there was Arwa rice. He further submits that the quality of rice cannot be attributable to the petitioner as rice was in storage in 13 sealed bags and it is only on the basis of suspicion that the said allegation has been made against the petitioner.

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

Be that as it may, let the petitioner, above named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, 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 Sub Divisional Judicial Magistrate, Khagaria in connection with Morkhi P. S. Case No. 11 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

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