

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.37834 of 2015**

Arising Out of PS.Case No. -17 Year- 2015 Thana -PHENHARA District-  
EASTCHAMPARAN(MOTIHARI)

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1. Shridhar Kumar Jha Son of Late Ishwari Nandan Jha resident of village -  
Sugia Katsari, P.S. Sheohar, District - Sheohar at Present, Assistant  
Teacher, Upgraded Middle School, Gaibandhi, P.S. Phenhara, District -  
East Champaran

.... .... Petitioner/s

Versus

1. The State of Bihar

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

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**Appearance :**

For the Petitioner/s : Mr. Bhola Kumar, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh (App)

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

3. 11-01-2016 Heard learned counsel for the petitioner and learned  
counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection  
with Phenhara P.S. Case no. 17/2015 registered for the offences  
punishable under Sections 406 and 420 of the Indian Penal Code.

Earlier, case diary in the present case was called for,  
which has already been received.

Learned counsel for the petitioner submits that the entire  
allegation of defalcation of scholarship amount to the tune of Rs.  
1,51,000/- is false and motivated and has been drawn against the  
petitioner only to assist some other forces to be posted on the post  
of the petitioner in the school.



He further submits that in fact all payments were made to the concerned scholarship holders for which he has filed all receipts. He further submits that since the petitioner's explanation was not accepted, the petitioner's salary was stopped. As such he was constrained to move this court for appropriate relief with regard to release of his salary. Soon after the filing of writ application before this court the Block Education Officer only to wreck vengeance filed the present prosecution case.

Learned counsel appearing on behalf of the State after perusal of case diary submits that the allegation against the petitioner is of defalcation of the scholarship amount which he had drawn as headmaster of the school, so privilege of anticipatory bail be not extended to him.

Learned counsel further counters the arguments advanced by the counsel for the State by submitting that all receipts which were necessary have already been produced before the concerned authority which is subject to the verification.

He further submits that the petitioner being responsible government employee he is not likely to abscond and that he shall appear as and when required and his entire pensionary benefits are also in the hands of the government. Furthermore, some other person has already been posted on the position of the petitioner.

Considering the aforesaid submissions and also the fact that the petitioner functioning and performing his duty on day to day basis in the school, let the petitioner, above-named, in the even of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Uma Shankar learned Judicial Magistrate, Ist Class, Sikrahana at Motihari in connection with Phenara P.S. Case No. 17/2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that the petitioner shall make himself available as and when required and that the investigation is not prejudiced to anyone.

**(Anjana Mishra, J.)**

Vinita/-

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