

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39088 of 2015

Arising Out of PS.Case No. -721 Year- 2014 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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Kaushal Kumar Karan S/o Shankar Lal Karan R/o Utara, P.S. Saharghat,
District Madhubani.

.... Petitioner

Versus

1. The State of Bihar
2. Ajit Kumar Jha, S/) Sushil Jha, R/O Jarel, P.S. – Arer, District –
Madhubani.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Md. Soban Asghar, Advocate.

For the Opposite Parties : Ms. Meena Singh(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 04-01-2016 Heard both sides.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 406 and other Sections of the Indian Penal Code and under Section 138 of the Negotiable Instrument Act.

The complainant made allegation that he is the director of Kanford English Academy and the petitioner was appointed as principal of the school. The petitioner misappropriated Rs. 12,00,000/- of the school. The petitioner agreed to make payment and also handed over three cheques on 28.02.2014, but the cheques were not honoured.

Learned counsel for the petitioner submits that the petitioner was the owner of the school. The complainant and others forcibly snatched the cheques and also got signature on a deed of agreement to

make payment of Rs. 12,00,000/-. The petitioner also filed a complaint case no. 357 of 2015 on 02.04.2015 alleging therein the date of occurrence is 31.03.2015.

It appears that the petitioner handed over three cheques of Rs. 12,00,000/- to the complainant after accounting all the income of the school. When it was found that the petitioner misappropriated the aforesaid amount, instead of making payment, all the money is misappropriated by him for his own use, he filed complaint case after one year on the basis of which Benipatti P.S. Case No. 60 of 2015 was registered on 02.05.2015. Learned counsel for the complainant submits that the police submitted final form in Benipatti P.S. Case No. 60 of 2015.

Considering the fact aforesaid and the fact that the petitioner being the principal of the school run by the complainant committed criminal breach of trust and misappropriated Rs. 12,00,000/- of the school, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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