

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 44927 of 2016

Arising Out of PS.Case No. -116 Year- 2014 Thana -DERNI District- SARAN

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Madan Mohan Prasad S/o Late Sahdeo Prasad resident of Village Bhatwaliya P.O.
Sutihar P.S. Derni, District- Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar &
Ms. Rajani Kumari, Advocates

For the State : Mr. Anuj Kumar Srivastava, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 18-10-2016

Heard learned counsel for the parties.

The petitioner apprehends arrest in connection with
Derni P.S. Case No. 116 of 2014 dated 07.10.2014 instituted under
Sections 409/420/419/467/468/471 of the Indian Penal Code.

The allegation against the petitioner, who was the
then Principal of the school, is of not depositing Rs. 2,02,155/- which
is said to have been collected as fee from the students, to the
informant, who was the Secretary of the school.

Learned counsel for the petitioner submits that the



amount collected was duly reflected in the register and nothing was defalcated as everything was disclosed. It is submitted that even in the explanation asked from him, he has given the details, but because he had left the school due to his demand for payment of salary, false case has been lodged. It is submitted that in any view of the matter, when the fee was collected from the student, the amount is known and reconciliation has to be made and if at all the informant had a genuine grievance, of there being some due amount was against the petitioner, it can be recovered through the process of the civil Court, but not by instituting a criminal case. It is further submitted that the informant has not disclosed as to whether he has been permitted to file the case on behalf of the school since no such statement has been made by him and he has done so only claiming himself to be the Director of the school. It is further submitted that the petitioner is a teacher and has no criminal antecedent.

Learned A.P.P. opposes the prayer for anticipatory bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each

to the satisfaction of the learned S.D.J.M., Saran at Chapra in Derni
P.S. Case No. 116 of 2014, subject to the conditions laid down in
Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J.)

P. Kumar

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