

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50417 of 2015

Arising Out of PS.Case No. -91 Year- 2015 Thana -SISWAN District- SIWAN

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1. Chandrika Prasad Rai @ Chandraka Prasad Rai son of Late Ram Lakhan Rai, Resident of village- Hettanpur, P.S.- Patori, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Niraj Kumar

For the Opposite Party/s : Mr. U.L.Verma(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 18-01-2016 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner being headmaster of the school is apprehending his arrest in connection with Siwan P.S. Case No. 91 of 2015, registered for offences punishable under Sections 406, 420/34 of the Indian Penal Code.

Diary in the present case was called for which has since been received.

The allegation against the petitioner is that he has committed criminal breach of trust with respect to ten quintals of rice relating to Midday Meal entrusted upon him for distribution amongst the children of his school.

Learned counsel for the petitioner submits that though the



said rice which is alleged to have been defalcated by the petitioner, the same was never received in the school or deposited by the contractor who lifts the same from the Godown, the entire blame has been saddled on the shoulder of the petitioner. Even in the worst case if the allegations are to be accepted then at best the irregularities can be said to be only to the tune of Rs. 20,000/- and the petitioner is willing to deposit the 50% of the said amount subject to the result of the present case. Learned counsel for the petitioner further submits that the petitioner being a responsible Government servant whose pensionary benefits are attached with his post and, therefore, he cannot abscond or tamper with any further evidence.

Considering the aforementioned facts and circumstances, and also the fact that there being no further cogent material in the case diary to implicate the present petitioner, let the petitioner above named, in the event 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 enlarged on bail on furnishing bond of Rs. 10,000 (Rs. Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Siwan P.S. Case No. 91 of 2015, subject to the conditions as laid down under

Section 438(2) of the Cr.P.C.

It is made clear that the petitioner shall deposit the 50% of the above referred amount which roughly quantified as Rs. 10,000/-.

(Anjana Mishra, J)

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