

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30126 of 2016

Arising Out of PS.Case No. -79 Year- 2016 Thana -RIVILGANJ District- SARAN

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Mohan Prasad son of Late Ganga Prasad, aged near about 47 years old, presently posted to the post of Headmaster incharge, Up-graded Middle School, Sheikhpura, P.O.- Mukrera, P.S. Rivilganj, District- Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Shankar Prasad Yadav, Adv.

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 18-10-2016 Heard both sides.

The petitioner apprehends his arrest in Rivilganj P.S. Case No. 79/2016, registered for the offences punishable under Section 409 of the Indian Penal Code.

The petitioner being the Incharge Headmaster of Upgraded Middle School Sheikhpura, Rivilganj, Saran was entrusted with Rs. 13,50,000/- for construction of school building, but the petitioner did not construct the building till the lodging of the case.

Learned counsel for the petitioner submits that petitioner withdrew Rs. 13,50,000/- for construction of school building. Petitioner constructed the building upto the plinth level, but in the

meantime, District Programme Officer directed the petitioner to run the Mid-day Meal Programme of Kasturba Gandhi Balika Vidyalaya, Rivilganj. No money was given to the petitioner. The petitioner invested the entire amount, meant for construction of the building, for providing meal to the students of Kasturba Gandhi Balika Vidyalaya. The petitioner is ready to construct the building of the school, but it appears that the petitioner withdrew Rs. 8,00,000/- on 27.01.2015 and Rs. 5,50,000/- on 09.03.2015 for construction of the building of Upgraded Middle School, Sheikhpura, Rivilganj Saran and the petitioner constructed the building upto only plinth level and thereafter, the petitioner did not construct any building. The District Programme Officer did not direct the petitioner to divert the fund of the school building towards providing Mid-Day Meal to the students of Kasturba Gandhi Balika Vidyalaya.

Considering the facts aforesaid and the fact that even after receiving huge amount of Rs. 13,50,000/- the petitioner did not construct the school building for more than one and half year, 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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