

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53480 of 2015

Arising Out of PS.Case No. -67 Year- 2015 Thana -BANGAON District- SAHARSA

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1. Suchita Kumari, Assistant Teacher of Primary School, Harijan Colony, Bariahi, Saharsa wife of Shashi Thakur @ Shashidhar Thakur, resident of village- Bangaon, P.S.- Bangaon, District- Saharsa

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Gajendra Pd.Yadav(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 01-02-2016 Heard Mr. Mishra for the petitioner and Mr. Yadav,

APP for the State.

Petitioner apprehends arrest in connection with

Bangaon P.S. Case No. 67 of 2015 registered under Section 409 of

the Indian Penal Code.

In substance, the allegation is that while acting as

Incharge Headmistress, she committed embezzlement of the fund

or the government food grains supplied to her for use in the

school. It is alleged that on account of her evil design, the

government rice measuring eight quintals was allowed to rot and

the government suffered loss of revenue on account of this.

Contention of the petitioner is that an enquiry in this

regard was made four years ago. The F.I.R. was lodged after four

years. In between, she was placed under suspension but later

revoked. The allegations are of conjectures. However, to secure the privilege of anticipatory bail, she is willing to deposit cost of 100 kg of rice without prejudice to her right and contention. It is also submitted that petitioner is due to retire very shortly

Learned APP, on the other hand, submitted that although there is delay but the allegation is that she did not produce any papers/documents when the enquiry was being held. Subsequently, it was found that on account of her evil design, the Government sustained loss. Witnesses, in course of investigation, have supported the allegation.

Considering the facts and circumstances of the case as also the stand taken by the petitioner, I am inclined to privilege her with anticipatory bail.

In the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M., Saharsa in Bangaon P.S. Case No. 67 of 2015 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(iii) Along with the bail bonds, the petitioner shall enclose demand draft showing deposit of a sum of Rs. 16,000/- payable in favour of the District Programme Officer (Establishment), Saharsa and/or the document showing deposit of the said amount in the said office. It is clarified that the deposit so made shall be without prejudice to his right and contention in the case.

Pankaj/-

(Kishore Kumar Mandal, J)

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