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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41281 of 2016

Arising Out of PS.Case No. -110 Year- 2016 Thana -UCHAKAGAON District- GOPALGANJ

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Pramod Kumar Tiwary, aged about 46 years, Son of Janak Prasad Tiwari R/O Ganesh Asthan Manjha, P.S. Phulwaria, District- Gopalganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :
For the Petitioner : Mr. Lalan Kumar, Advocate.
For the Opposite Party : Mr. B.N. Pandey, APP.
For the Informant : Mr. Bindhyachal Singh, Advocate.
Mr. Avinash Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 18-11-2016 Heard both sides.

The petitioner apprehends his arrest in Uchakagaon P.S. Case No. 110 of 2016 registered for the offences punishable under Section 409 of the Indian Penal Code.

The Block Education Officer, Gopalganj lodged the case in pursuance of the directions given by the District Programme Officer (Establishment) Gopalganj that the petitioner defalcated a sum of Rs. 23,32,000/- in the construction head and Rs. 84, 662/- in the mid-day meal head.

Learned counsel for the petitioner submits that the Block Education Officer, Gopalganj who lodged the case in pursuance of letter no. 1128 issued by the District Programme

Officer (Establishment) but on the next day vide letter no. 617 the District Programme Officer, Elementary Education and Sarva Shiksha Abhiyan, Gopalganj directed the Block Education Officer, Gopalganj not to take any action in pursuance of the letter no. 1128 dated 12.05.2016. The District Education Officer, Gopalganj vide his letter no. 669 issued letter superseding the letter no. 1128 dated 12.05.2016 on the basis of the report of the District Programme Officer, Elementary Education and Sarva Shiksha Abhiyan, Gopalganj. It is further submitted that the petitioner has done major work out of Rs. 23,32,000/- but the District Education Officer, Gopalganj as well as the District Programme Officer, Elementary Education and Sarva Shiksha Abhiyan, Gopalganj who are present in Court to make clarification of the letter after letters issued by them stated that the petitioner did the work only about Rs. 6,78, 000/-. The petitioner had to construct eight rooms of the school but the petitioner did construction of only two rooms up to roof level. The money was withdrawn by the petitioner in the year 2014 and nothing has been stated about the defalcation of money from the head of mid-day meal.

Considering the facts aforesaid and the fact that the petitioner has defalcated a huge amount meant for construction of the school building but the petitioner is ready to deposit the entire

amount i.e. Rs. 16,54,000/- and Rs. 84, 662/- from the head of mid-day meal within one month in the account of the school, 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, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gopalganj in Uchakagaon P.S. Case No. 110 of 2016, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure and if the petitioner fails to deposit the aforesaid amount within one month, the court below shall cancel the bail bonds of the petitioner.

(Prabhat Kumar Jha, J.)

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