

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30528 of 2016

Arising Out of PS.Case No. -24 Year- 2013 Thana -PHENHARA District-
EASTCHAMPARAN(MOTIHARI)

=====

Smt. Asha Kumari @ Asha Kumari, W/o Bibhuti Narayan Tiwari, R/o
Mohalla - Chandwara Azad Road, Banka Sah Chowk, P.S. Muzaffarpur
Town, District - Muzaffarpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Amit Kumar Rakesh, Advocate.

For the Opposite Party : Ms. Pronati Singh, APP.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 19-10-2016 Heard both sides.

The petitioner apprehends her arrest in Phenhara P.S.
Case No. 24 of 2013 registered for the offences punishable under
Section 409 and other Sections of the Indian Penal Code.

The District Programme Officer, East Champaran,
Motihari alleged that during course of enquiry it transpired that the
Block Education Officer and the Headmaster of Kasturba Gandhi
Balika Vidyalaya, Phenhara along with the constructor and other
staff associated with construction of the building misappropriated
huge amount. It is alleged that Amzad Kamal received Rs.
19,31,600/- and Kamaluddin received Rs. 56,000/-. Amzad Kamal
and Kamaluddin were entrusted construction work of the building

but the building was not constructed.

Learned counsel for the petitioner submits that the petitioner was posted as Block Education Officer in the year 2009-10. The Block Education Officer and the headmaster of the school namely Rameshwar Prasad Singh were authorized to issue joint cheques to the contractor for construction of the building. The petitioner issued three cheques of Rs. 1,50,000/- on 15.06.2009, Rs. 3,00,000/- on 18.07.2009 and Rs. 7,00,000/- on 03.06.2010. The headmaster Rameshwar Prasad Singh was a joint signatory with the petitioner. Rameshwar Prasad Singh had already been enlarged on anticipatory bail vide order passed in Cr. Misc. No. 32050 of 2016 on 26.09.2016. Amjad Kamal who was entrusted with construction of the work and he received Rs. 19,31,600/- has also been granted anticipatory bail by a coordinate Bench of this Court vide order passed in Cr. Misc. No. 4565 of 2014 on 19.06.2014 on the condition that he was ready to deposit the entire amount received by him for construction of the building.

Considering the facts aforesaid and the fact that similarly situated co-accused Rameshwar Prasad Singh, the then headmaster of the school and the contractor who received cheques for construction of the building have also been enlarged on anticipatory bail, the petitioner above named, in the event of

her 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, Motihari, East Champaran in Phenara P.S. Case No. 24 of 2013, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

KKSINHA/-

U		T	
---	--	---	--