

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 43424 of 2016

Arising Out of PS.Case No. -154 Year- 2016 Thana -HASPURA District- AURANGABAD

Saryu Prasad Akela, Son of Shri Gangdhari Singh, Resident of Village-
Bairwana, P.S.- Karpi, District- Arwal.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Damodar Pd. Tiwary

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 29-11-2016 Heard Sri Rajesh Kumar, learned counsel for the
petitioner and Sri Damodar Prasad Tiwary, learned Addl. Public
Prosecutor.

The petitioner, who was incharge Headmaster of a
Government School, has approached this Court for grant of
anticipatory bail in Haspura P.S. Case No. 154 of 2016 registered
for offence under Sections 409 and 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that it was
not at all case of misappropriation, rather the petitioner has
maliciously been made accused, as per instance of the present
incharge Headmistress. He submits that under the Right to
Information Act, a certified document has been obtained, which
shows that there was no case of any misappropriation. He further

submits that even during investigation, in paragraph – 15 of the case diary, the fact has come that entire record was not produced during enquiry. According to learned counsel for the petitioner, without misappropriation of any amount, the petitioner has falsely been made accused.

In the F.I.R., there is specific accusation against the petitioner regarding misappropriation of more than 13 lacs in respect of distribution of new uniforms, students' bicycles etc.

In this case, while directing for summoning case diary, a Bench of this Court had directed for taking no coercive step against the petitioner. Pursuant to that, case diary has been received and after going through the statement made in paragraph – 4 of the case diary, it is evident that petitioner has been summoned regarding misappropriation.

I do not find any ground to extend the privilege of anticipatory bail.

The petition stands dismissed.

In view of dismissal, interim order of stay dated 26-10-2016 stands vacated.

(Rakesh Kumar, J.)

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