

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39658 of 2016

Arising Out of PS.Case No. -154 Year- 2016 Thana -PARWATTA District- KHAGARIA

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1. Subodh Kumar Sudhanshu, Son of Late Chamaklal Chaudhary, Resident of village- Sirajpur, Police Station- Parbatta, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

7 21-12-2016

Heard both sides.

The petitioner apprehends his arrest in Parbatta P.S. case No. 154 of 2016 under Section 467, 468, 406, 420 of the Indian Penal Code.

The informant is Incharge Headmaster of Pandit Saryug Hazari Project Girls Higher Secondary School, Dumariya Bujurg, Parbatta. The informant alleged that Subodh Kumar Sudhanshu, the petitioner, superannuated on 31.01.2016 but he did not hand over charge in accordance with law. This fact was reported to the higher authorities and District Education Officer requested the S.D.M. to prepare the inventory. Accordingly, the Block Development Officer was entrusted to prepare the inventory so that the informant may take over the charge. The informant



alleged that since the financial year 2012-13 to 2015-16 the petitioner defalcated the entire amount of scholarship, dress, cycle and napkin and there is nothing on record to show that petitioner submitted detailed contingent bills after withdrawing money from the bank.

The learned counsel for the petitioner submits that from page 27 to 30 of the bail petition, statement of the bank is annexed since 31.01.2011 to 04.07.2016. It is further submitted that petitioner himself withdrew some amount to meet the expenses of the school and most of the amounts was disbursed among the students in the head of scholarship and cycle. It is submitted that after each financial year the allotment is made available only after submission of detailed contingent report of the expenses for which advance was withdrawn by the petitioner. The present case is filed at the instance of the local M.L.A., who is on inimical term with the petitioner. It is further submitted that by filing supplementary affidavit the petitioner has annexed Annexure-4 series showing that scholarship amount was withdrawn by the different students through cheques and it has falsely been alleged that the petitioner has withdrawn the entire amount of scholarship.

On the other hand the learned Additional Public



Prosecutor and the learned counsel for the informant, vehemently, opposed the prayer for anticipatory bail.

The learned counsel for the informant submitted that during the course of investigation most of the students have stated that they did not receive the amount of scholarship. He further drew attention towards the statement of the bank dated 26.07.2011, 11.07.2011, 02.05.2012, 21.09.2012, 28.12.2012, 08.05.2013, 26.12.2013, 16.01.2015, 14.02.2015, 01.02.2016, 28.01.2016 and submitted that about Rs. 20 lacs was withdrawn by the petitioner himself or by Mukesh Kumar and Bambam Choudhary on different dates and the petitioner had not submitted detailed contingent bills to show expenses of the aforesaid amount.

From the allegations made by the informant in the FIR, it appears that the informant alleged that since the financial year 2012 till 2016 the petitioner has defalcated about Rs. 64 lacs but from perusal of the bank statement it appears that most of the amounts were paid to different persons through cheques. The petitioner himself, Mukesh Kumar and Bambam Choudhary withdrew Rs. 20 lacs on different dates during the four financial years.

The learned counsel for the petitioner submits that



after each financial year detailed bill of the advance amount was submitted and only thereafter further allotment was given in the aforesaid heads. The petitioner has already retired from service on 31.01.2016 and if the petitioner has not submitted any bill, the authority is at liberty to get back the amount from the retiral benefits of the petitioner.

Considering the facts aforesaid and the nature of allegations made against the petitioner, the above named petitioner, in the event of his arrest or surrender before the learned 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 learned Additional Chief Judicial Magistrate-I, Khagaria in Parbatta P.S. Case No. 154 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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