

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.50749 of 2016**

Arising Out of PS.Case No. -78 Year- 2016 Thana -GOH District- AURANGABAD

=====

Benkatesh Kumar, aged about 42 years, son of Late Girijesh Sharma, resident of Village- Mahesh Parasi, Police Station- Upahara, District- Aurangabad.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**  
**ORAL ORDER**

-----

4      23-12-2016              Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Goh P.S. Case No.78 of 2016 registered under Sections 420 and 409 of the Indian Penal Code.

The accusation is that the petitioner being the Incharge Headmaster of Government Middle School, Prakhand Colony, Goh, Aurangabad, in between 01.07.2014 to 31.08.2014 misappropriated Rs.3,16,000/- as received by him in the head of Midday Meal and Development Scheme.

Learned counsel appearing on behalf of the petitioner submits that, in fact, the petitioner being the Incharge Headmaster



of Government Middle School, Prakhand Colony, Goh, Aurangabad, in between 01.07.2014 to 31.08.2014 received Rs.2,00,000/- for Midday Meal and Rs.1,16,000/- for Development. The vouchers/bills of amounting Rs.2,00,000/- regarding the expenditure of Midday Meal are annexed at pages 14-19 of the supplementary affidavit filed on behalf of the petitioner, which are also signed by the Block Education Officer, Goh, Aurangabad on 25.02.2016. Similarly, the bills/vouchers amounting to Rs.1,16,000/- in respect of development materials are annexed at pages 30-33 of the supplementary affidavit filed on behalf of the petitioner, which are also signed by the Block Education Officer, Goh, Aurangabad on 25.02.2016 but with an ulterior motive, the present case has been lodged on 05.08.2016 against the petitioner. Further submission is that the petitioner is under suspension and is facing departmental proceeding.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, Daudnagar (Aurangabad), in connection with Goh Police Station Case No.78 of 2016, subject to the conditions



laid down under Section 438(2) Cr.P.C.

**(Rajendra Kumar Mishra, J)**

**P.S./-**

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

