

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.324 of 2016

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1. Rakesh Gahlot Son of Late Jagdish Prasad Singh, resident of Village-Dharam Pipra, P.O- Kakila, P.S.- Jagdishpur, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Bhojpur, Ara.
3. The District Program Officer, Primary Education and Sarv Shiksha Abhiyan, Bihar Shiksha Pariyojna.
4. The Superintendent of Police, Bhojpur, Ara.
5. The District Education Officer, Bhojpur, Ara.
6. The Block Education Officer, Jagdishpur (West), District- Bhojpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Madan Jeet Kumar

For the Respondent/s : Mr. Manoj Kumar Ambastha (Gp-14)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 15-07-2016 The petitioner seeks quashing of the First Information Report of Jagdishpur P. S. Case No. 166 of 2015, registered for the offences punishable under Sections 409 and 420 of the Indian Penal Code.

The petitioner, during the relevant period, was working as Incharge Headmaster of a Primary School, Mahatati, Jagdishpur. It is alleged that he had withdrawn a sum of Rs. 8, 10,000/- from the account of the School for construction of school building. Allegedly, he has misappropriated large portion of the said amount.

Learned counsel appearing on behalf of the petitioner has submitted that the First Information Report has



been lodged on 22.08.2015. One day before lodging of the First Information Report, through letter dated 21.08.2015, he was asked to submit his show cause before the District Education Officer with respect to the alleged misappropriation of the Government money. He submits that without waiting for the petitioner's response, the First Information Report has been instituted. He has secondly submitted that the petitioner is ready to deposit the amount which he is said to have misappropriated.

None of the submissions made on behalf of the petitioner appear to be convincing for this Court to exercise power under Article 226 of the Constitution of India to quash the First Information Report.

On perusal of the First Information Report, I find that offence punishable under Section 409 of the Indian Penal Code is made out. I further find that the petitioner had approached this Court for grant of anticipatory bail by filing Cr. Misc. no. 50562 of 2015 which was rejected by an order dated 07.12.2015. He again filed an application for anticipatory bail giving rise to Cr. Misc. No. 926 of 2016 which too was rejected by an order dated 17.02.2016. Despite rejection of anticipatory bail applications twice, the petitioner has not surrendered nor has been apprehended.

Considering the fact in totality, I am not inclined

to entertain this application. This application is, accordingly, dismissed.

It is made clear that the petitioner shall have the liberty to raise all the points which have been raised in the present proceeding at the time of framing of charge or any subsequent stage as may be permissible under law.

(Chakradhari Sharan Singh, J)

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