

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3667 of 2016

Arising Out of PS.Case No. -383 Year- 2015 Thana -PARWATTA District- KHAGARIA

Smt. Kumkum Kumari, Wife of Anil Chaudhari @ Tuntun Chaudhari
Resident of Village- Sirjpur, P.O.- Parbatta, District- Khagaria, presently
posted as Incharge Headmistress of Primary School of Sharmatola, Temtha
Karari, Police Station- Parbatta, District- Khagaria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Purushotam Sharma, Advocate.

For the Opposite Party : Mr. Ashok Kumar(APP)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 11-04-2016 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is apprehending her arrest in
connection with Parbatta P.S. Case No. 383/2015 (G.R. No. 2858
of 2015) registered for the offence punishable under Section
353/34 of the Indian Penal Code and under Section 7 of the E.C.
Act.

The learned counsel for the petitioner submits that
though there is allegation against the present petitioner of having
defalcated the rice and other food material, which were to be
distributed to children as per the Mid Day Meal Scheme, operated
by the State of Bihar, the petitioner was not responsible for

preparing the meals nor for supplying the same to the children.

The learned counsel for the petitioner however submits that the rice, which was recovered from the house of one Ramanand Sharma was kept in his premises as there was no place available in the school. He further submits that as and when required, the petitioner had been arranging the cooking of the meals and serving the same to the children. However, in view of the alleged recovery, the petitioner is facing prosecution.

The learned counsel appearing on behalf of the state however after perusal of the case diary submits that there is a clear cut allegation against the petitioner. It is also submitted that the petitioner has been placed under suspension and her headquarter has also been shifted.

Considering the aforementioned facts and circumstances of the case and also noticing that the petitioner is being prosecuted departmentally and also directing that she shall make herself present before the Court during the investigation/trial as and when required, let 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, 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 learned Sub-Divisional Judicial Magistrate, Khagaria, in connection with Parbatta P.S. Case No. 383/2015 (G.R. No. 2858 of 2015) subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J.)

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