

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8638 of 2016

Arising Out of PS.Case No. -394 Year- 2015 Thana -BEGUSARAI MUFFASIL District-
BEGUSARAI

1. Md. Hamiduddin S/o Late Zehuri Mian Resident of village- Chhoti
Baliya (Upper Tola), Near Urdu Maktab, Ceidenchak, P.S.- Baliya, District-
Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Opposite Party/s : Mr. Ajit Kumar (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-05-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Begusarai Mufassil P.S.Case No. 394/2015, G.R. No. 6200/2015
registered for offences punishable under Section 409, 420 of the
Indian Penal Code.

The prosecution case as lodged by the Block Education
Officer, Begusarai to S.H.O., Muffassil P.S., Begusarai stating
therein that Md. Hamiduddin, the petitioner retired Head Master,
Utakramit Middle School Hardia, Begusari misappropriated the
Government money issued for the purpose of construction of
school building when he was posted as Head Master in the school

without construction of building and on repeated direction by the department, he has not deposited the same.

It has been submitted by the learned counsel for the petitioner that the petitioner retired on 31.01.2015 and the present F.I.R. has been lodged after an inordinate delay of nine months i.e. on 09.10.2015. He further submits that the petitioner has no criminal antecedent, as is evident from para-3 of this application and that he had received “no dues certificate” under the joint signature of the Junior Engineer, Assistant Engineer and District Programme Officer on 06.06.2013 regarding construction works made in the school. He further submits that certificate has also been issued by the Head Master, taking charge from him that there are no dues against the petitioner but he has been alleged to defalcate Rs. 25, 34,160.00, which is due from him in the account of construction work of the school. He further submits that being retired government employee, no departmental proceeding had been initiated against him before his superannuation under the Bihar Service Code and allegation is false, as he has handed over all amounts spent and there is no dues against him.

Learned counsel for the petitioner further submits that witnesses being Assistant Teacher and other witnesses have stated that the petitioner had constructed the school building and there

are no dues against him.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R., hence, opposes the prayer of bail.

Since the petitioner is retired Head Master and no departmental proceeding has been initiated against him during his service or after superannuation and F.I.R. having been lodged after an inordinate delay, let the above named petitioner in the event of his arrest or surrender before the Court below within a period of eight weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Begusarai Mufassil P.S. Case No. 394/2015, G.R. No. 6200 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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