

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15788 of 2016

Arising Out of PS.Case No. -55 Year- 2016 Thana -BANIAPUR District- SARAN

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Kameshwar Singh, Son of Late Bhawanath Singh, Resident of Village -
Suhai, P.S.- Baniyapur, District – Saran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-05-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in
connection with Baniyapur P.S. Case No.55 of 2016 for the
offence instituted under Section 409 of the Indian Penal Code.

The prosecution case, in brief, is that the informant,
being the District Programming Officer, Education Department,
Saran, instituted F.I.R. against the petitioner with the allegation
that on the petition of one Uttam Narayan Singh, it was inquired of
Yugal Singh High School is non-financial school, to which the
amount under the Scheme of Chief Minister Cycle Scheme and
Bihar Centenary Dress Scheme was provided, in which
Rs.2,57,500/- and 78,000/- was allocated and during course of



inquiry, the petitioner did not provide the Guard file of transfer certificate of the students. Nomination register of the year 2011 was inquired and it was found that some certificates are true and some are forged and on the basis of forged transfer certificates, making forged nomination, the petitioner has misused the Government amount under the aforesaid scheme and the government amount has been defalcated by the petitioner, being headmaster of the said institution.

It is submitted on behalf of the petitioner that the petitioner has falsely been implicated in the present case. The present case has been initiated on the complaint of Uttam Narayan Singh, who is in habit of making such complaints earlier also against the petitioner. From perusal of the F.I.R., it appears that the informant has not disclosed what amount has been misappropriated by the petitioner. A vague allegation in respect to mis-appropriation of money has been alleged. Petitioner is a Government employee.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of arrest or surrender in the court below within a period of six weeks, be released on bail

on furnishing bail bond of Rs.10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of Sri Rakesh Kumar Yadav, Judicial Magistrate, 1st Class, Saran, Chapra, in connection with Baniyapur P.S. Case No.55 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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