

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17977 of 2016

Arising Out of PS.Case No. -278 Year- 2015 Thana -ATHMALGOLA District- PATNA

1. Mithilesh Paswan Son of late Baso Paswan Resident of Village - Mor,
P.S. - Mokama, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishor Prasad

For the Opposite Party/s : Mr. Shyam Bihari Singh (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-05-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Athmalgola P.S.Case No. 278 of 2015 registered for offence
punishable under Sections 409 and 120 (B) of the Indian Penal
Code.

The prosecution case as lodged by the Block Education
Officer, Athmalgola on 17.12. 2015 alleging therein that under
the scheme of Sarve Shiksha Aviyan vide letter No.-
SSA/KW/7090'14-15/7283 dated 12.12.2015 building
construction work of Utkramit Madhya Vidyalaya Usmanpur was
done under the supervision of one Mithilesh PaSwan, Head Master
of the said school (petitioner) and without completion of work the



petitioner retired from service. It is further alleged that according to the account books only Rs. 10,67,930/- has been shown as expenses of the construction work and total Rs. 22,96, 800/- was issued by the Government for the said work and only Rs. 3,45, 800/- is balance in the said account. It is further alleged that vide letter No. 1867 dated 16.02.2015, the petitioner was directed to deposit Rs. 8, 83,070.00 but the said amount was not deposited .

It has been submitted by the learned counsel for the petitioner that he is innocent having no criminal antecedent and has retired from the post of Head Master on 31.01.2015.

The matter relates to allotment of funds for construction and completion of School building and F.I.R. has been lodged on 21.12.2015 after retirement of the petitioner.

It has been submitted that from the retrial benefits of the petitioner, a sum of Rs.8, 44,652/- being the gratuity amount has been withheld by the District Programme Officer, patna, which is evident from memo No. 5640 dated 17.07.2015 and further remaining amount of Rs. 33428/- can also be withheld from his pensionary benefits, but there is no case of embezzlement by the petitioner.

However, learned A.P.P. for the State submits that the petitioner being a Government official / Head Master and named

in the F.I.R. does not deserve the privilege of bail.

Be that as it may, since deficit construction amount has already been withheld from the gratuity of the petitioner, which is subject to inquiry and accounting, 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 Sub Divisional Judicial Magistrate, Barh, Patna in connection with Athmalgola P.S.Case No. 278 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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