

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19074 of 2016

Arising Out of PS.Case No. -31 Year- 2016 Thana -CHIRAIYA District-
EASTCHAMPARAN(MOTIHARI)

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Mahendra Ram S/o Late Nathuni Ram resident of vill. - Madhubani Kala,
P.S. Chiraiya, Distt. - East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate

For the Opposite Party/s : Mr. Dilip Kumar(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 24-06-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Chiraiya P.S. Case No. 31 of 2016 registered for the offences
punishable under Sections 409 and 420/34 of the Indian Penal
Code.

The prosecution case is that the petitioner has
misappropriated the government money amounting to Rs.
15,57,978=00 allotted for construction of additional class rooms in
the school in question.

It has been submitted by the counsel for the petitioner
that petitioner has no criminal antecedent, as is evident from
paragraph 3 of this application and the charge of embezzlement of



the aforesaid amount of Rs. 15,57,978=00 is not attributable to the petitioner as he was posted as Incharge Headmaster during financial year 2010-11 and had handed over charge on 13.10.2011, which is evident from Annexure-2 to this application. He further submits that he has since superannuated on 31.07.2012 and “No Dues Certificate” has been given by the next Incharge Headmaster (who joined on 24.10.2011) on 16.10.2012, which is evident from Annexure-3 to this application. He submits that a sum of Rs. 5,58,934=00 was given for the said construction of two class rooms in the financial year during which he was posted, but the said fund was not utilized by him during his tenure and he relinquished the charge on 13.10.2011 to the next incumbent. He submits that the allegation made against him is unfounded.

However, learned A.P.P. for the State submits that the petitioner being a Government servant is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the petitioner has already superannuated and “No Dues Certificate” has already been issued to him by the next incumbent, let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two

sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sikarahana at Motihari, East Champaran in connection with Chiraiya P.S. Case No. 31 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

Arjun/-

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