

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32357 of 2016

Arising Out of PS.Case No. -81 Year- 2016 Thana -BARUN District- AURANGABAD

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Sakaldeo Choudhary S/o Late Ramratan Choudhary, R/o Village- Sansa,
P.S.- Daudnagar, District- Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party : Mr. Bal Mukund Prasad Sinha (APP13)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 09-08-2016 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection
with Barun P.S. Case No.81 of 2016 registered for the offences
punishable under Sections 406 and 409 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
allegation has been made against the petitioner that the money
which was released for construction of school building was not
complied in the proper manner and the constructions were not
made. Learned Counsel for the petitioner further submits that the
money for constructions of school was received in the financial
year 2005-2006. Thereafter Vidayalya Siksha Samiti was
constituted in which one Maksood Alam was elected as a



Chairman. It was further submitted that on 19.02.2007, a meeting of the committee was held, in which it was unanimously decided that the Chairman, namely, Maksood Alam would be given the work of construction of building and accordingly, the petitioner transferred the money which was held in the school account to the account of Maksood Alam, Chairman, Vidyalaya Siksha Samiti, Urdu Middle School, Khanda, Seikh Bigha. The said amounts were withdrawn by him and in the school account only Rs. 1739/- was left. It is further submitted that the school was subsequently renamed as Utkramit Urdu Middle School, Khanda, Seikh Bigha. It is further submitted that in the year 2008, itself the petitioner was transferred from the said school to another school and one Nahida Bano took over the charge of the In-charge Headmaster and thereafter the petitioner has nothing to do with the school. The petitioner has since superannuated and now after a lapse of almost one and half year, the present prosecution has been initiated against him on such charges as has been stated above.

Having considered all the facts and circumstances of the case and that the petitioner has already retired from the school as headmaster and that he is not likely to be having any access to record the case, let the petitioner above named, in the event of his 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 the Chief Judicial Magistrate, Aurangabad in connection with Barun P.S. Case No. 81 of 2016 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J.)

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