

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.27869 of 2016**

Arising Out of PS.Case No. -82 Year- 2011 Thana -OBRA District- AURANGABAD

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Mahendra Ram son of Late Rameshwar Ram, resident of village- Malwa, Police Station- Khudwan, District- Aurangabad. As Ex-Incharge Head Master, Rajkiya Middle School, Ramnagar, Police Statin- Obra, District- Aurangabad.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Sri Ataur Rahman

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

2      24-10-2016                      Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner apprehends his arrest in connection with Obra P.S. Case No. 82 of 2011 for the offences registered under Section 409 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner took charge as Head Master of the concerned school on 25.04.2009 and the alleged defalcation is of the period 2006-07 and 2007-08. It is further submitted that so far as the petitioner is concerned, the money which is alleged to have been defalcated, was not of his period and the financial charge of the school was not handed over to him, as is evident from Annexure



-2 to the application. It is further submitted that the amount of Rs. 60,000/- as alleged to have been defalcated by the petitioner, could not have been saddled on his shoulder as the construction of the boundary-wall has been made by his predecessors and not by this petitioner. Moreover, financial charge was not also handed over to him at the time of his joining. Thus, the liability cannot be placed on his shoulder for any such defalcation. It is further submitted that similarly situated accused person, namely, Gita Sinha, Head Mistress, who had come to this Court, has since been extended the privilege of anticipatory bail vide order dated 25.05.2016 passed in Cr. Misc. No. 22490 of 2016.

Considering the nature of allegation made against the petitioner and that at the relevant point of time, he had not taken over the charge as Head Master and also because the petitioner has got no criminal antecedent, 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 released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of S.D.J.M., Daudnagar in connection with Obra P.S. Case No. 82 of 2011, subject to the

conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Jagdish/-

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**(Anjana Mishra, J)**

