

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 23308 of 2016

Arising out of P.S. Case No. -212 Year- 2015 Thana -
BHARGAWAN District- ARRARIA

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Gangadhar Mishra Son of Late Bhagwanand Mishra, Resident
of Village- Sukhiya, P.O.- P.S.- Banmakhi, District- Purnea
..... Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Singh, Adv.
For the Opposite Party/s: Mr. Shailendra Kumar 2 (APP)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

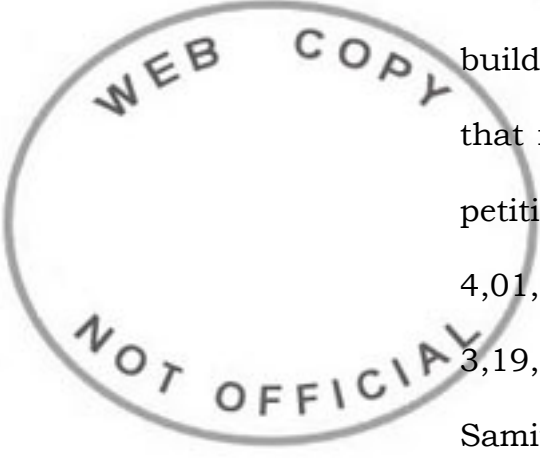
03. 28.07.2016

Heard both sides.

The Petitioner apprehends his arrest in Bhargama
P.S. Case No. 212 of 2015 registered for the offences
punishable under Sections 406, 409 and 420 of the Indian
Penal Code.

The Informant alleged that the petitioner being the
In-charge Headmaster, Primary School, Jasodhapatty and one
Veena Devi, the then Secretary of the Vidyalaya Siksha
Samiti, Primary School, Jasodhapatty were allotted Rs.
7,20,000/- by Bihar Education Project, Araria for
construction of school building in the year 2006-07 but the
building was not completed. The petitioner was asked to
show-cause by letter No. 1384 dated 30.11.2015 but the
petitioner did not explain.

It is submitted that of course Rs. 7,20,000/- was
allotted in the account of Primary School, Jasodhapatty for
construction of school building. The petitioner and one Veena



Devi were entitled to withdraw the amount for construction of school building. The petitioner constructed the school building but could not complete the school. It is submitted that from perusal of page 16 of FIR it would appear that the petitioner and Secretary of School Samiti did the work of RS. 4,01,473/- and till the retirement of petitioner about Rs. Rs. 3,19,527/- was lying in the account of the School Shiksha Samiti. The petitioner did not defalcate any amount of the School. Of course, the petitioner can be held negligent in completion of the work.

Considering the facts aforesaid that no defalcation has been made by the petitioner and the petitioner got the work of Rs. 4,01,473/- and Rs. 3,19,527/- is lying in the account of Vidyalaya Shiksha Samiti, the Petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to 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 Chief Judicial Magistrate, Araria in connection with Bhargama P.S. Case No. 212 of 2016 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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