

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56828 of 2015

Arising Out of PS.Case No. -159 Year- 2012 Thana -GANDHIMAIDAN District- PATNA

Neera Kumari, Daughter of Hare Krishna Ray, Resident of village-
Bakwari, P.S.- Sahar, District- Bhojpur, the then Warden of Kasturba
Gandhi Balika Vidyalaya, Sandesh, District- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.7444 of 2016

Arising Out of PS.Case No. -159 Year- 2012 Thana -GANDHIMAIDAN District- PATNA

Purnima Kumari, D/o Sri Kalika Prasad Singh, Resident of Village Yogibir,
P.O.- Kamariyaon, P.S.- Tiyar, District- Bhojpur, Bihar and the Warden of
Kasturba Gandhi Balika Vidyalaya Agiyaon, District- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.56828 of 2015)

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advocate
Mr. Lakshmi Kant Sharma, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No.1 (APP)

(In Cr.Misc. No.7444 of 2016)

For the Petitioner/s : Mr. Suraj Deo Singh, Advocate

For the Opposite Party/s : Mr. S.Dayal (APP)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 03-03-2016 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners apprehend their arrest in connection with
Gandhi Maidan P.S. Case No. 159 of 2012 registered for offence

punishable under Sections 420, 409/34 of the Indian Penal Code.

The prosecution case, in brief, is that the informant being the State Coordinator of Bihar Mahila Samakya Society working as N.G.O. for up-liftment of poor girls, lodged the present First Information Report, alleging therein that in the district of Bhojpur, various schools are running in the name of Kasturba Gandhi Balika Vidyalaya and during audit of those schools, it was found that Rs. 20,71,141/- was spent between the financial years 2006-07 to 2010-11, but was not supported by any voucher and it was alleged that the said amount had been embezzled by the Warden of the said schools.

It has been submitted by the counsel for the petitioners that petitioners are innocent having no criminal antecedent. It has further been submitted that petitioner Neera Kumari was appointed as Warden in the year 2009-10, whereas petitioner Purnima Kumari was appointed as Warden in the year 2007 in Kasturba Gandhi Balika Vidyalaya at Sandesh and Agiyaon respectively in the district of Bhojpur. It has further been submitted that there was no embezzlement by these petitioners, rather, they have already stated that how much money has been spent on which item. Learned counsel for the petitioners further submits that no case under Sections 420 and 409 of the Indian

Penal Code is made out against these petitioners. It has further been submitted that having similar allegation, Shyama Kumari and Anjana Shukla, Wardens of Kasturba Gandhi Balika Vidyalaya of different schools of Bhojpur have since been granted the privilege of bail by a Coordinate Bench of this Court under orders dated 22.12.2015 and 25.05.2015 passed in Cr. Misc. Nos. 43379 of 2015 and 47656 of 2014 respectively.

However, learned A.P.P. for the State submits that the petitioners are named in the First Information Report and opposes the prayer for bail.

Be that as it may, let the petitioners, above named, in the event of their 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) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Patna/ Additional Chief Judicial Magistrate, Patna in connection with Gandhi Maidan P.S. Case No. 159 of 2012, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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