

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23011 of 2016

Arising Out of PS.Case No. -120 Year- 2015 Thana -SONBERSA District- SAHARSA

Satish Prasad Singh @ Satish Singh son of Late Jagdambi Pd. Singh

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv

Mr. Ram Vinay Pd. Sinha, Advocate

For the Opposite Party/s : Mr. Smt. Pronati Singh(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-05-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 384/467/468/420/406/409/120B of the Indian Penal Code.

Prosecution case as per written complaint from the informant Siromani Devi being Headmistress of Primary School, Chilarahi is to the effect that Rs.10,87,844/- was sanctioned for construction of school building but the construction work could not be carried out due to dispute with regard to land in question on which the construction was to be made. Consequently, in view of the direction of the higher authority, the money was to be refunded to Sarva Shikha Abhiyan. The petitioner being District Programme



Officer of Sarva Shiksha Abhiyan along with co-accused Rajesh Kumar Jha came to the school and the petitioner directed the informant to return the money to Rajesh Kumar Jha since he is clerk in his office. Consequently, the informant handed over a cheque of Rs.7,38,744/- to Rajesh Kumar Jha but intimation was not given with regard to adjustment when the informant approached the DPO he assured that adjustment will be made but after two years on 18.12.204, the informant received a letter from Bihar Education Project with intimation that in case of non-adjustment of the advance amount transferred, departmental proceeding will be initiated against the informant and FIR will be lodged. Thereafter, the informant approached the DPO, Saharsa and ultimately came to know that Rajesh Kumar Jha is not posted in Sarva shiksha Abhiyan office.

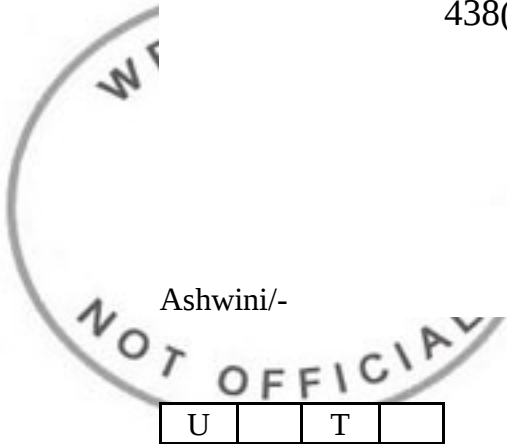
It is submitted by learned counsel for the petitioner that from the whole accusation it appears that the informant in order to save her own skin lodged the present case. There is nothing on record in writing with regard to handing over a cheque of Rs.7,38,744/- to Rajesh Kumar Jha. The statement of bank account of the school, brought on record by way of annexure-2, reflects that all the amount was withdrawn by one Vijay Kumar and Vijay



Agrawal, Hence, it appears that the cheques were issued in the name of Vijay Kumar and Vijay Agrawal but the FIR does not explain the reason for such cheques being issued. Moreover, the petitioner joined as DPO on 05.07.2013 whereas the cheques of major amount were encashed by Vijay Kumar and Vijay Agrawal in between 22nd June, 2013 to 01.07.2013, though two cheques were encashed on 8.07.2013 and 12.10.2013, hence, it appears unreasonable that the petitioner directed to hand over the cheque to Rajesh Kumar Jha, but neither any amount has been transferred to his account or he received any cheque. Moreover, co-accused Arun Kumar Jha and Rajesh Kumar Jha, have been granted anticipatory bail by a co-ordinate Bench of this Court vide Criminal Miscellaneous No.54941/2015

Considering the thrust of accusation against co-accused Rajesh Kumar Jha, Vijay Kumar and Vijay Agrawal, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Saharsa, in connection with Sonbarsa Raj (Kash Nagar O.P.) P.S. Case

No.120/2015, subject to the conditions as laid down under Section
438(2) Cr.P.C.



(Dinesh Kumar Singh, J)

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