IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9927 of 2017

Arising Out of PS.Case No. -166 Year- 2016 Thana -TEGHRA District- BEGUSARAI

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Dr. Kamini Kumari @ Kamini Kumari Singh, W/o Sri Jang Bahadur Kumar, resident of Village- Pidhauli, P.S.- Teghra, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yugal Kishore, Sr. Advocate Mr. Shashi Bhushan Singh, Advocate Mr. Virendra Prasd, Advocate
For the informant	:	Mr. Kaushalesh Choudhary, Advicate
For the State	:	Smt. Smt. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 20-04-2017 Heard learned counsel for the petitioner.

The petitioner is apprehending her arrest in connection with Teghra P.S. Case No. 166 of 2016, registered for offences punishable under Sections 406, 341, 323, 504, 420, 467, 468, 471, 472 and 34 of the Indian Penal Code.

The allegation against the petitioner is of defalcation of huge amounts of the college even after her suspension and dismissal from the service.

It has been submitted on behalf of the petitioner that the letter of the District Education Officer, Annexure-11 clearly shows that the petitioner has superannuated on 31.01.2017 and as such the allegation that after her dismissal she has collected money is not true. It has further been submitted that a case was earlier filed before the Hon'ble Court with respect to the dispute relating to In-charge Principal of the College and that case was disposed of with a direction to the parties to file a Title Suit. It has also been argued that in that case an order of freezing the Bank Account of the college, was also passed and as the students have to appear in the examination hence the examination fee and other fees were collected and the same was sent to the Bihar School Examination Board. Further, it has been submitted on behalf of the petitioner that the petitioner has got the Account of the College audited and no irregularity was found in the audit report. Submission is also made that the petitioner has falsely been implicated in this case by the informant against whom she has lodged an FIR.

Heard learned A.P.P. as well as learned counsel for the informant. Learned counsel for the informant has opposed the prayer for anticipatory bail of the petitioner on the ground that the petitioner was suspended from service after she has collected huge amount, which will appear from the case diary and further she has not deposited the *Password* and *User ID*. It is also argued that she was dismissed from the service, as such there is no question of her superannuation on 31.1.2017. It has also been submitted that so far Annexure-11 is concerned, the same is only a communication and not an order with regard to superannuation of the petitioner.

Considering the entire discussions made above, as there are claims and counter claims regarding allegation levelled against the petitioner, as such, I am not inclined to grant anticipatory bail to the petitioner, she is directed to surrender before the learned court below and make prayer for regular bail, which will be considered by the learned court below on its own merit, if possible, on the same day without being prejudiced by the order of this Court.

With the aforesaid observation, this application is disposed of.

(Vinod Kumar Sinha, J)

S.Pandey/-

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