

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6466 of 2017

Arising Out of PS.Case No. -192 Year- 2016 Thana -CHARPOKHARI District- BHOJPUR

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1. Chinta Gupta Wife of Bishwanath Prasad Resident of Village
Charpokhari, P.S. Charpokhari, District Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan

For the Opposite Party/s : Mr. Sri Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 20-02-2017 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out
of Charpokhari Police Station Case No. 192 of 2016, disclosing
offences under Sections 406, 420, 409/34 of the Indian Penal Code.

Accusation of defalcation of government money.

Learned counsel for the petitioner has submitted that the
petitioner, who is a lady happens to be the Head Master of the school,
has falsely been implicated in this case on erroneous ground by the
superior authorities in order to save their skin. On bare perusal of the
instant F.I.R, it is quite evident that it is not a case of defalcation of
government money by the petitioner rather it is case of irregularities,
committed by superior authorities i.e. District Education Officer and
District Programme Officer in allotment of fund for construction of
extra class room in the schools in question in connivance with one
Maitrayee Consultancy. Once the fund has been allotted and
disbursed to the official account of Head Master with direction to



utilize the amount for construction of extra class room, the petitioner, being the Head Master of the school, is duty bound to comply the order of the superior authority and, accordingly, a sum of Rs.7,67,970/- has been paid by the petitioner on the pressure of D.E.O and D.P.O. concerned to the Maitrayee Consultancy for construction of extra class room. In this regard, the petitioner, showing her bona fide, filed a complaint being Complaint Case No. 1346(C) of 2016, annexure-2, registered as Charpokhari P.S. Case No. 206 of 2016. Not only that, this petitioner has also informed about the aforesaid facts to the Superintendent of Police, which is annexure-3 to this petition. No specific case of any forgery or defalcation of government exchequer is made out against this petitioner. Therefore, the lady petitioner, who is only the victim of circumstance, begs sympathetic view of this Court and prays for grant of privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, IV, Bhojpur, Ara, in connection with Charpokhari Police Station Case No. 192 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

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(Arvind Srivastava, J)

