

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15126 of 2017

Arising Out of PS.Case No. -79 Year- 2016 Thana -RIVILGANJ District- SARAN

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Mohan Prasad S/o Late Ganga Prasad, Resident of Mohalla- Hospital Chowk, P.S.- Bhagwan Bazar, District- Saran (Chapra).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Karandeep Kumar, Advocate.

For the Opposite Party : Mr. Sanjay Kumar Tiwary, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-05-2017 Heard both sides.

The petitioner apprehends his arrest in Rivilganj P.S. Case No. 79 of 2016 registered for the offences punishable under Section 409 of the Indian Penal Code.

Allegation against the petitioner is that the petitioner being the incharge headmaster of Upgraded Middle School, Sheikhpura, Rivilganj was entrusted with Rs. 13,50,000/- for construction of the school building but, the petitioner did not construct the building till lodging of the case. The prayer for anticipatory bail of the petitioner was rejected vide order dated 18.10.2016 in Cr. Misc. No. 30126 of 2016.

Learned counsel for the petitioner submits that the District Magistrate, Sheikhpura has extended the period for completion of construction work on 24.03.2016 but on 03.05.2016 the FIR was lodged. It is further submitted that from perusal of the Annexure-3A, it



would appear that on the petition of the petitioner for extension of time, the Block Education Officer extended the period for completion of construction work on 25.10.2016.

It appears from perusal of the FIR, itself, that the petitioner withdrew Rs. 8 lakhs on 27.01.2015 and again withdrew Rs. 5,50,000/- on 09.03.2015, for construction of the school building but, the petitioner did not start the construction of the building. Many reminders were given to the petitioner for construction of the building and, by the order of the District Programme Officer, Sheikhpura the FIR was lodged on 03.05.2016. It appears from perusal of Annexure-3A, that the petitioner, himself, filed petition before the BEO, Sheikhpura who was also the enquiry officer, for extension of period. The departmental enquiry was initiated against the petitioner and on that petition, itself, the BEO, Sheikhpura extended the period but, there is no explanation that the petitioner after withdrawing Rs. 13,50,000/- has not started the construction work.

Considering the facts aforesaid, I do not find any fresh ground to reconsider the prayer for anticipatory bail of the petitioner. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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