

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8597 of 2017

Arising Out of PS.Case No. -193 Year- 2016 Thana -SAHPUR District- BHOJPUR

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Dharmshila Devi @ Dharmshila Singh, W/o Shashi Bhushan Tiwary,
resident of Village- Dudhaghat, P.S.- Shahpur, District- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Kumar

For the Opposite Party/s : Mr. Sri Gauri Shankar Gupta

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 12-04-2017 Heard the learned counsel for the petitioner as well as
the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends her arrest in connection with Shahpur P.S. Case No. 193 of 2016 for the offences punishable under sections 420 and 409 of the I.P.C.

Allegedly, Dharmshila Singh, Headmistress, Upgraded Middle School, Shobhi Tola, Shahpur embezzled Rs. 3,91,856/- which was sent during the financial year 2014-15 for construction of the school building.

Submission is that petitioner is named as Dharmashila Devi and not Dharmashila Singh, she is the Headmistress of the Primary School, Sobhi Tola, there is no upgraded Middle School



in Village Sobhi Tola within the jurisdiction of Shahpur Police Station, the pass-book of the school will clearly show that Rs. 3,91,856/- has never been sent to the account of the Primary School, Sobhi Tola in the financial year 2014-15, however, an amount of Rs. 4,70,868/- was sent in the account of the Primary School, Shobhi Tola for the financial year 2014-15 and the building of the school and the stair-case are being constructed with this fund, however, the police has been regularly visiting the school to arrest the petitioner though the petitioner has no concern with the alleged FIR, the petitioner has not embezzled any amount of the government fund and as such she deserves sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioner by submitting that during investigation the witnesses, namely, Hare Ram Prasad and Md. Sagir Alam, vide paragraphs 6 and 13 have supported the allegation.

In the facts and circumstances as stated above, considering that the construction work is going on and on behalf of the petitioner it is submitted that an amount of Rs. 4,70,868/- was sent in the account of the Primary School and the building and stair-case are being constructed with this fund and as such the petitioner, in case of her arrest or surrender within four weeks



from the date of receipt/production of a copy of this order shall 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. C.J.M. Bhojpur at Ara in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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