

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53342 of 2016

Arising Out of PS.Case No. -663 Year- 2016 Thana -ARARIA District- ARRARIA

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Vijay Kumar Singh, Son of Late Bindeshwari Prasad Singh, R/o Village-
Pratap Nagar, P.S.- Naugachiya, District- Bhagalpur, at Present Block
Education Officer, Araria

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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with

Criminal Miscellaneous No.55684 of 2016

Arising Out of PS.Case No. -663 Year- 2016 Thana -ARARIA District- ARRARIA

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Chandan Kumar Sada @ Chandan Sada, Son of Ramlakhan Sada, resident
of Village- Gilahbari, Police Station- Tarabari, District- Araria, the Head
Master of Primary School, Bhagpuraini, P.S.- Tarabari, District- Araria.

.... Petitioner.

Versus

The State of Bihar.

.... Opposite Party.

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Appearance :

(In Cr.Misc. No.53342 of 2016):

For the Petitioner : M/s. N.K. Agrawal, Senior Advocate and Dr. Bidhu
Ranjan, Advocate.

For the State : Smt. Pushpa Sinha, A.P.P.

(In Cr.Misc. No.55684 of 2016)

For the Petitioner : Mr. Arun, Advocate.

For the State : Mr. Binod Kumar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 12-01-2017 Let the supplementary affidavit filed on behalf of the petitioner
in both the cases be kept on the record.

The petitioner of both the aforesaid applications apprehend their
arrest in connection with Araria P.S. Case No.663 of 2016 registered



under Sections 420, 406 and 409/34 of the Indian Penal Code. Therefore, both the aforesaid applications have been heard together and are being disposed of by this common order.

The accusation is that the Headmasters of Primary Schools/Upgraded Schools of Jhawa Tola, Puraini, Gargaddi Nazir Tola, Gilahabari, Mushari Tola Mehisakol and Bhag Puraini of which the petitioner Chandan Kumar Sada alias Chandan Sada (in Criminal Misc. No.55684 of 2016) was Headmaster received excess amount from the Education Department showing the excess number of students studying in the classes of the aforesaid schools and misappropriated Rs.16,87,800/-, Rs.10,10,000/-, Rs.7,04,600/-, Rs.6,61,700, 2,87,900/- and Rs.2,56,800/- respectively in collusion with the petitioner Vijay Kumar Singh (in Criminal Misc. No.53342 of 2016), the Block Education Officer, Araria, Mantosh Kumar, Computer Operator, District Welfare Office, Araria, and Chandramohan Jha, Clerk, District Welfare Office, Araria.

Learned counsel appearing on behalf of the petitioner Vijay Kumar Singh (in Criminal Misc. No.53342 of 2016) submits that this petitioner has no concern in receiving the amount from the Education Department for distributing the students of the schools but he has falsely implicated in this case as he was Block Education Officer, Araria.

Learned counsel appearing on behalf of the petitioner Chandan Kumar Sada alias Chandan Sada (in Criminal Misc. No.55684 of 2016) submits that it would appear from the F.I.R. that the allegation against this petitioner is of misappropriating Rs.2,56,800/- in collusion with the



petitioner Vijay Kumar Singh, the Block Education Officer, Araria, Mantosh Kumar, Computer Operator, District Welfare Office, Araria, and Chandramohan Jha, Clerk, District Welfare Office, Araria, but this petitioner after knowing about misappropriation of Rs.2,56,800/- has deposited the said amount on 14.10.2016 in the account of his school and, thereafter, a cheque amounting to Rs.2,56,800/- signed by this petitioner and one Kiran Devi, was issued in favour of the District Welfare Officer, Araria.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Araria, in connection with Araria P.S. Case No.663 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

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