

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8310 of 2017

Arising Out of PS.Case No. -82 Year- 2011 Thana -OBRA District- AURANGABAD

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1. Md. Nasimuddin @ nashimuddin Ansari, son of Md. Nezamuddin, Resident of village-Kara, P.S. Obra, District-Aurangabad, Bihar.
 2. Parwej Akhtar @ Md. Parwej Akhtar, son of Abdul Sattar, Resident of village-Kara, P.S. Obra, District-Aurangabad, Bihar.
 3. Md. Nehaluddin, son of Abdul Karim, Resident of village-Kara, P.S. Obra, District-Aurangabad, Bihar.
 4. Sumitra Kumari, Wife of Vijay Kumar Thakur, Resident village & P.S. Obra, District-Aurangabad, Bihar.
 5. Nawal Kishore Singh, Son of Late Raghubar Singh, Resident of village-Sonbarsa, P.S. Obra, District-Aurangabad, Bihar.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar Singh

For the Opposite Party/s : Mr. Shailendra Kumar -2

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

12 01-09-2017

Heard learned counsel for the petitioners and the learned

A.P.P. for the State.

The petitioners apprehend their arrest in connection with Obra P.S. Case no. 82 of 2011, registered under Section 409 of the Indian Penal Code.

The accusation is that petitioner No.1 being the Headmaster of Primary School, Radhebigha, petitioner No.2 being the Headmaster of Primary School, Gamharpur, petitioner No. 3 being the Headmaster of Primary School, Madarsa Kadriya Kara, petitioner No. 4 being the Headmaster of Primary School, Narayanpur-I and petitioner No. 5 being the Headmaster of Primary School, Mehanda



misappropriated the funds as allocated to their school for construction of the school buildings and boundary walls.

Learned counsel for the petitioners submits that petitioner No.1 was allotted Rs. One Lakh for construction of school building and Rs. 40,000/- and boundary wall, but he returned Rs. 40,000/- to the department, which would appear from Annexure-5 to the Supplementary affidavit and he has completed the construction of building, which would appear from Annexure-4 to the supplementary affidavit. Similarly, petitioner No.2 also returned Rs. 40,000/-, which was allotted to him for construction of boundary wall, which would appear from Annexure-6 to the supplementary affidavit. The petitioner No.3 was allotted Rs. 234820/- for construction of school building and he has completed the construction work, which would appear from Annexure-7 to the supplementary affidavit. Petitioner No.5 has also utilized Rs. 1,60,000/-, which would appear from Annexure-9 to the supplementary affidavit. So far as petitioner No.4 is concerned, in fact, she was posted at Primary School, Narayanpur-II since 23.10.1987, which would appear from Annexure-8 to the supplementary affidavit. As such no question arises to receive the fund for construction of building for Primary School, Narayanpur-1.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten



thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Aurangabad in connection with Obra P.S. Case No. 82 of 2011, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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