

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39370 of 2017

Arising Out of PS.Case No. -111 Year- 2016 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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Dhirendra Kumar Akela son of Akshay Lal Ram, resident of village –
Majirawa, PO-Majirawa, PS-Chiraia, District-East Champaran, Bihar-
845315.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Babu, Adv.

For the Opposite Party/s : Smt. Sahin Begam, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

4 19-08-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection
with Ghorasahan (Lakhaura) P.S. Case No. 111 of 2016 registered
for the offence(s) punishable under section(s) 409/120(b)/34 of the
Indian Penal Code.

The case has been registered on the basis of written
report of Block Education Officer, Bankatwa, East Champaran.
The informant *inter alia* has alleged that this petitioner was Head
Master of Primary School, Amwariya, Bankatwa Prakhand and an
amount of Rs.6,74,350/- was sanctioned in his favour for
constructing the school building in the financial year 2008-2009.
This petitioner neither constructed the school building nor



returned the money and thereby defalcated the aforesaid amount.

The learned counsel for the petitioner submits that the school building could not be completed as the land was not provided for the said construction. The petitioner is ready to return the aforesaid amount in installment to be fixed by the Court. The petitioner is a Head Master, having clean antecedent and so, he deserves anticipatory bail.

The learned Additional Public Prosecutor, on the other hand, opposed the submission.

On perusal of the FIR, I find that the amount of Rs.6,74,350/- was sanctioned in favour of the petitioner for constructing the school building in the financial year 2008-2009 and even after lapse of 8 years, he did not construct the building and thereby defalcated the said amount.

Considering the nature of allegation, facts and circumstances, as stated above, I am not inclined to grant anticipatory bail to the petitioner and accordingly, his prayer is rejected.

(Sanjay Kumar, J)

Mahesh/-

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