

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53625 of 2017

Arising Out of PS. Case No. -77 Year- 2017 Thana -SONBERSA District- SAHARSA

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Ashok Kumar, Son of Niro Bhagat, Retired Head Master Madhya
Vidyalaya Fatehpur, Sonbarsa, Resident of Village- Kashnagar, P.O.
Pararia, Police Station-Sonbarsa, Distt. Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 09-11-2017

Heard learned counsel for the petitioner and State.

The petitioner is apprehending his arrest in
connection with Sonbarsa Raj P.S. case no. 77 of 2017 for the
offence under Sections 406, 420, 409/34 of the Indian Penal Code.

The petitioner is a retired headmaster of Middle
School.

Allegation against this petitioner, as appears from the
written complaint of the Block Education Officer, Sonbarsa,
District- Saharsa, is that a sum of Rs.1,76,482/- is recoverable
from the petitioner, as he was advanced the amount for
construction of the school building and toilet etc.

Counsel for the petitioner submits that the matter
with regard to utilization of the amount advanced to the petitioner



cannot be a subject matter of lodging of the present case and not only the petitioner but the other retired headmasters have also been made accused on the pretext of recovery of the advance to the then headmaster in connection with construction of school building and toilet etc. He further submits that the petitioner was the headmaster and the District Programme Officer under the Scheme Sarva Shiksha had allocated fund for construction of the school building and toilet etc., which is a matter of accounting and even if certain amount is recoverable from the petitioner that can be recovered by way of other method including by adjusting the said amount from the post retiral dues of the petitioner and the filing of the present F.I.R. for recovery of the alleged advance to the petitioner, the then headmaster of the school, is unknown and unprecedented mode of recovery.

Counsel for the State submits that the petitioner is accountable for the advance paid to him and construction of the school building and the toilet.

After hearing the parties and on consideration of the rival submission, this Court is of the view that for the purpose of accounting and adjustment of the advance paid to the petitioner, while he was functioning as the headmaster of the school, the authority ought to have adjusted those amounts at the time of



settling the post-retiral dues.

In view of the above, this Court is of the view that the petitioner deserves and is granted anticipatory bail, in the event of arrest or surrender before the court below within one month from today, on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the amount each to the satisfaction of Chief Judicial Magistrate, Saharsa in connection with Sonbarsa Raj P.S. case no. 77 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Upadhyay, J)

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