

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49799 of 2016

Arising Out of PS.Case No. -19 Year- 2016 Thana -TISIAUTA District- VAISHALI(HAJIPUR)

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Mamta Devi, Wife of Upendra Sahni, resident of Village- Prampur, P.S.
Tisiauta, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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

ORAL ORDER

7 04-08-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends her arrest in connection with
Tisiauta P.S. Case No.19 of 2016 registered under Sections 406,
409 and 420/34 of the Indian Penal Code.

The accusation is that Rs.8,00,000/- was allotted for the
financial year 2008-2009 for the construction of the building of
the New Primary School, Prampur, Purvi Siman, but the work was
done only of Rs.5,85,837/- and remaining amount of Rs.2,14,163/-
was misappropriated by the Headmaster and Secretary of the
School. Similarly, Rs.12,00,000/- was also allotted mistakenly to
the School for the financial year 2014-2015 but in spite of several



letters, the Incharge Headmaster of the said School did not deposit the same. As such, the Headmaster and Secretary of the said School misappropriated the aforesaid amount.

Learned counsel for the petitioner submits that the petitioner, who is lady, was Secretary of the New Primary School, Pranpur, but she had no concern about utilizing the money after withdrawal. So far as non returning Rs.12,00,000/- by Rabindra Rai, the then Principal of the School is concerned, he had filed Criminal Misc. No.37605 of 2016 in which after perusal of the statement of the Bank, he was directed to deposit Rs.5,50,000/-, out of Rs.12,00,000/- , which was withdrawal by him, and he was granted bail. The petitioner is ready to pay the remaining amount of Rs.2,14,163/-, which is said to be not expended out of Rs.8,00,000/- within three months.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of her arrest or surrender by her within six weeks from today, be enlarged on provisional bail on her furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-IX, Vaishali at Hajipur, in connection with Tisiauta P.S. Case No.19 of 2016, subject to the conditions laid down under Section 438(2)



Cr.P.C.

It is made clear that the provisional anticipatory bail granted to the petitioner shall be confirmed by the trial court itself on showing the receipt of deposit of Rs.2,14,163/- in the concerned department within three months, failing which the court below shall cancel the bail bond of the petitioner.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

P.S./-

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