

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24580 of 2017

Arising Out of PS.Case No. -250 Year- 2016 Thana -SAHPUR District- BHOJPUR

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Rita Tiwari @ Reeta Tiwari, Wife of sri Akhilesh Kumar Tiwari, Resident of Village-Uma Nagar, P.S. Chandawa, District- Bhojpur, Presently Posted as Incharge Headmistress, New Primary School, Lahang, Dumaria, P.S. Bihiya, District Bhojpur

.... 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 09-11-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends her arrest in connection with Shahpur P.S. Case No.250 of 2016 registered under Sections 420 and 409 of the Indian Penal Code.

The accusation is that the petitioner being the Incharge Headmistress of the New Primary School, Lahang, Dumaria, received Rs.11,50,000/- for the construction of the school building in the financial year 2013-14 under NSB Scheme but she did not get the construction work of the school building completed.

Learned counsel appearing on behalf of the petitioner



submits that Jitendra Ram, son of Badal Ram of village-Lahang Dumaria, had transferred some portion of the land in the name of His Excellency, Governor of Bihar, Patna, for the construction of the school building. Thereafter, Rs.11,50,000/- was allocated in the financial year 2013-14 for the construction of the school building under NSB Scheme and the said amount was withdrawn by this petitioner, being the Incharge Headmistress of the New Primary School, Lahang, Dumaria, for the construction of the school building and she also purchased the building materials for construction of the same but Jitendra Ram made obstruction and also gave threatening to the petitioner to implicate her in SC/ST (POA) Act case. Thereafter, the petitioner gave an application to the District Education Officer, Bhojpur, on 14.11.2013 for taking action against Jitendra Ram mentioning therein that that due to his interference the construction work of the school building is not being done. The said application of the petitioner was forwarded to the Circle Officer, Shahpur, by the District Education Officer, Bhojpur, who, on enquiry, restricted the petitioner to construct the school building as Jitendra Ram, the land owner, had cultivated the wheat crops there. The petitioner also filed an application before the Superintendent of Police, Bhojpur(Ara) on 16.01.2014 about disturbance created by Jitendra Ram in the construction



work of the school building and making demand of Rs.50,000/- as ransom by him but no action was taken against Jitendra Ram. In the meantime, Jitendra Ram, the land owner, lodged Bhojpur SC/ST P.S. Case No.08 of 2014 under Sections 427 and 504 of the Indian Penal Code and Sections 3(I)(X) of the SC/ST (POA) Act against the petitioner to put undue pressure upon her. Due to that reason, the petitioner could not get the construction work of the school building completed and she also deposited Rs.3,50,000/- in the account of the school as the remaining amount were spent by the petitioner in purchasing the building materials.

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 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-14, Bhojpur, Ara, in connection with Shahpur P.S. Case No.250 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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