

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44702 of 2016

Arising Out of PS.Case No. -277 Year- 2016 Thana -BUXAR District- BUXAR

1. Rakesh Kumar Tripathi, son of Late Kavindra Nath Tripathi resident of Village- Dumraon, P.S.- Dumraon, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.47736 of 2016

Arising Out of PS.Case No. -277 Year- 2016 Thana -BUXAR District- BUXAR

1. Ravi Prakash Singh @ Sonu Singh @ Rinku Son of Ram Chandra Singh, resident of Village- Jai Mohalla Namak Gola Buxar, P.S.- Buxar, (T), District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.44702 of 2016)

For the Petitioner/s : Mr. Ravi Ranjan

For the Opposite Party/s : Mr. Sri Arun Kumar Singh -5

(In Cr.Misc. No.47736 of 2016)

For the Petitioner/s : Mr. Bhanu Pratap Singh

For the Opposite Party/s : Mr. Md. Sufiyan

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

10/ 17.01.2017 Both the above stated petitions arise out of Buxar Nagar Town P.S. case no. 277/2016 registered under sections 409, 420, 166(A) and 120B/34 of the Indian Penal Code and accordingly, both the above stated petitions are being disposed of by this common order.

Record has been placed for orders. I have heard both parties.

Petitioner in Cr. Misc. no. 44702/2016, namely, Rakesh



Kumar Tripathi was working as District Welfare officer, Buxar whereas petitioner in Cr. Misc. no. 47736/2016, namely, Ravi Prakash Singh @ Sonu Singh @ Rinku was working as headmaster of Kishori Singh, Girls' High School, village Kharwania post Kakaria District Buxar as well as headmaster of Devkinandan, High school, Jamouli, Rajpur, Buxar.

Petitioner Rakesh Kumar Tripathi is not named whereas petitioner Ravi Prakash Singh @ Sonu Singh @ Rinku is named in the first information report.

The accusation against petitioner in Cr. Misc. no. 44702/2016 is that he in connivance with FIR named accused as well as others having misused his position, issued advice slips of huge amount in favour of headmasters of several schools but in enquiry, the aforesaid schools were found fake and, as a matter of fact, the aforesaid schools were not in existence but even then several students of the aforesaid schools were shown to be entitled for scholarship and accordingly, by issuing forged advice slips the above stated petitioners and other accused misappropriated government money to the tune of more than rupees two crores.

The accusation against petitioner in Cr. Misc. no. 47736/2016 is that he posing, himself, to be headmaster of fake school, too, participated in the above stated act of forgery and embezzlement of government money.

Submission on behalf of the petitioner in Cr. Misc. no. 44702/2016 is that the above stated scam came to light at the initiation of the petitioner because it was the petitioner who himself informed



the District Magistrate, Buxar about the above stated scam and on the basis of his report matter was enquired and the aforesaid scam came in light but even then he has been made accused in this case and, as a matter of fact, he had not issued any advice slip rather the aforesaid advice slip was issued by co- accused Awadesh Kumar Singh who has been granted privilege of bail by a coordinate bench of this court. To fortify the aforesaid contention, learned counsel drew attention to this court towards several documents which have been annexed with this petition.

Learned counsel for the petitioner in Cr. Misc. no. 47736/2016 submitted that the petitioner was never worked as headmaster of the concerned school and, as a matter of fact, scholarship was distributed among the students. It was further submitted by him that list of eligible students was prepared by the District Planning officer and the said list was sent to the District Welfare officer who, in turn, issued advice slips and thereafter, scholarship was distributed among the eligible students and, therefore, it can not be said that any embezzlement was done by the aforesaid petitioner.

On the other hand, learned Public Prosecutor appearing for the State, submitted that advice slips have been issued by the signature of petitioner in Cr. Misc. no. 44702/2016 and so far as petitioner in Cr. Misc. no. 47736/2016 is concerned, he was headmaster of the concerned school and there is nothing on record to show that any payment was made to the concerned students rather the entire amount was credited in personal account of different persons including



petitioner in Cr. Misc. no. 47736/2016.

Having heard the aforesaid contentions, I went through photostat copy of the case diary written up to paragraph 97 dated 8.9.2016 and perusal of the case diary as well as enquiry report attached with the first information report go to show that advice slips were issued by the signature of petitioner in Cr. Misc. no. 44702/2016 and there is nothing on record to show that released amount was credited to the eligible students and therefore, prima facie, it is obvious that huge government money was embezzled. There is serious allegation against these petitioners and, therefore, I do not feel it proper to extend the privilege of bail to the above stated petitioners. Accordingly, both the above stated petitions stand rejected.

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(Hemant Kumar Srivastava,J)

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