

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.11972 of 2017**

Arising Out of PS.Case No. -128 Year- 2014 Thana -SISWAN District- SIWAN

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Kunj Bihari Tiwary, (Ex- Principal, H.R.B.D.B. Inter College, Gangpur Siswan), S/o Late Suryadeo Tiwary, Resident of Village- Padari Tiwari, P.S.- Salempur, District- Deoria (U.P.).

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Harendra Prasad

For the Opposite Party/s : Mr Brajendra Nath Pandey

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

2      18-04-2017                      Heard learned counsel for the petitioner and the  
  
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with  
  
Siswan P.S. Case No.128/14 registered under Sections 406, 409  
  
and 420 of the Indian Penal Code.

The allegation of the informant is that the petitioner  
  
being Ex-Principal of H.R.B.D.B. Inter College, Gangpur Siswan  
  
misappropriated Rs.1,73,000/- and Rs.1,10,000/- in admission fee  
  
of students of Science and Arts stream of the School. Similarly he  
  
misappropriated Rs.six lacs of Kanya Poshak Yojna and also  
  
committed several irregularities.

Learned counsel for the petitioner submits that, in fact,



Hareram Brahmchari Tuli Baba College Gangpur Siswan is private college and after retirement of the petitioner as the Principal of the said college charge was handed over to the Informant. The informant lodged the said case on misconception and after realizing the mistake he filed an application before the I.O. of this case and also in court to the effect that the case has been instituted under mistake of fact. The Audit of the school was also done for the Session 2012-13 and 2013-14 by Badre Alam, C.A. no irregularities was found which would appear to audit report as contained in Annexure-6 of the petition.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Mr. Sandeep Kumar, J.M. 1<sup>st</sup> Class, Siwan, in Siswan P.S. Case No.128/14 subject to the conditions as laid down under Section 438(2) of Cr.P.C.

**(Rajendra Kumar Mishra, J)**

AnilKrSinha/-

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