

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11275 of 2017

Arising Out of PS.Case No. -36 Year- 2016 Thana -SIRDALA District- NAWADA

=====

Anita Devi, Wife of Ramesh Chaudhary, resident of Village- Hemja
Deopal, P.S. Sirdala, Dist.- Nawada

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance:

For the Petitioner/s : Mr. Gauri Shankar Prasad, Advocate.

For the Opposite Party/s : Mr. B. N. Pandey, APP.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

4 05-05-2017 Heard both sides.

The petitioner apprehends his arrest in Sirdala P. S.
Case No. 36 of 2016 registered for the offences under Sections
420, 409 and 34 of the Indian Penal Code.

The Block Education Officer, Sirdala alleged that
the District Programme Officer, Primary Education, Sarv Siksha
Abhiyan vide his letter dated 09.01.2016, informed that the
former in-charge Headmaster, Shri Meghu Rajbanshi of Primary
School, Hemja Deopal and the Secretary of School Education
Committee Smt. Anita Devi (petitioner) have defalcated the huge
amount and obstructed the construction of the school building.
The petitioner, Secretary of the School Education Committee and
Meghu Rajbanshi, the former Headmaster of the school withdrew



Rs. 5,48,153/- but did not complete the construction of building and defalcated Rs. 2,82,531/-.

Shri Gauri Shankar Prasad, learned counsel for the petitioner submits that Meghu Rajbanshi, the in-charge Headmaster is in custody and the petitioner is a lady. She has nothing to do with the amount withdrawn by the Headmaster. The petitioner being the Secretary of the School Education Committee signed on the cheque. It is a case of civil liability. The Headmaster, in pursuance of the agreement, had to execute and construct the building. The building was constructed but the entire work worth the advance withdrawn was not done. It is further submitted that a case was also lodged for recovery of the amount. It is further submitted that no case under Section 420 of the Indian Penal Code is made out because there was no material on record to show that from the very inception of the agreement, there was intention on the part of the petitioner and the Headmaster to cheat the Government.

But from perusal of the records and F.I.R., it appears that the estimated cost of the scheme for the year 2011-12 was Rs. 7,39,000/- (Rupees Seven lakhs and thirty nine thousand). The Headmaster and the Secretary of the school, in pursuance of the agreement, were appointed agent of the scheme



to construct the school building. In pursuance thereof, the Headmaster and the petitioner withdrew Rs. 5,48,153/- and did not complete the scheme for the year 2011-12. The petitioner and the Headmaster are alleged to have defalcated Rs. 2,82,531/-. The Headmaster is in custody. The case was lodged only after five years from the date of withdrawal of huge amount of advance.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the anticipatory bail application is rejected.

(Prabhat Kumar Jha, J)

Mishra/-

U		T	
---	--	---	--

