

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42919 of 2014

Arising Out of PS.Case No. -107 Year- 2013 Thana -TARIYANI CHOWK District- SHEOHAR
=====

Dinesh Ram Bhola Ram Village=Kushahar, P.S.-Tariyani, District-Sheohar.

.... Petitioner

Versus

1. The State of Bihar
2. Block Education Officer, Sheohar, District-Sheohar.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Rakesh Ranjan
For the Opposite Parties : Mr. Pronati Singh(App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

3 06-10-2017 Heard learned Counsel for the petitioner and the State.

The petitioner seeks quashing of the cognizance order dated 16.6.2014, whereby cognizance of the offence under Sections 419 and 420 of the IPC has been taken against him and he also seeks setting aside of the order dated 25.8.2014, whereby his revision application for setting aside the cognizance order was dismissed by the learned Sessions Judge, Sheohar.

The allegation in brief as per the FIR lodged against the petitioner is that being Incharge of the Principal of Middle School, Mohari, he withdrew Rs. 744793=00, the entire amount for construction of the school building but no construction was done hence misappropriated the said amount. The police after investigation has submitted charge sheet against the petitioner.



Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case. The bank account of the school is operated jointly by the Secretary and the Headmaster of the School. So only the Secretary of the School is responsible for the misappropriation.

Having considered the rival submissions and on perusal of the records, The Court finds that it is not that a prima facie case is not made out against the petitioner. The prosecution cannot be stifled.

So finding no merit, this application stands dismissed.

(Arun Kumar, J)

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