

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41369 of 2017

Arising Out of PS.Case No. -126 Year- 2016 Thana -SALIMPUR District- PATNA

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1. Janardan Paswan Son of Late Devnath Paswan, R/o Village- Ahrawa ,
P.S.- Selchi, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey

For the Opposite Party/s : Mr. Sri Anuj Kumar Srivastava

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

5 27-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Salimpur P.S. Case No. 126 of 2016 instituted for the offence under Sections-406, 409, 420, 34 of the Indian Penal Code.

It is alleged in the written report that Rs. 7,90,000/- was sanctioned for the construction of room in Utkarmit Madhya Vidyalaya, Bihta. This petitioner who has superannuated from the service has not constructed the said school and at the present rate Rs. 12,89,700/- is due. The District Programme Officer Primary Education issued letter No. 1418 dated 17-09-2011 in which, he has stated that the said amount has been defalcated by the member of Siksha Samiti including the petitioner. A show cause was also issued by the DPO vide letter No. 1308 dated 24-07-2008, letter No. 1642 dated 15-12-2009 and vide letter No. 1337 dated 06-03-2010 but the petitioner did not file reply to show cause.

The case diary has been received.

Counsel for the petitioner has submitted that the petitioner



himself has not withdrawn money. The money has been withdrawn by Shikchha Samiti including other persons. It has further been submitted that the petitioner has already retired from service and his retirement benefit has already been help up on account of aforesaid allegation.

Counsel for the petitioner has stated in paragraph-11 of the petition that the amount so sanctioned by the authority has already been utilized in the construction and the construction has already been completed.

A report was called for from the present Headmaster which has been received and is at flag "A". In the report, the present Headmaster has clearly stated that in 2006-07, Rs. 7,90,000/- was withdrawn by this petitioner for construction of four rooms in the school but no construction work has been done. This petitioner has also not mentioned about the aforesaid amount in the charge report.

In such circumstances, this court is not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer for anticipatory bail is rejected.

The petitioner is directed to surrender in the court below within four weeks from today and seek regular bail which will be considered by the court below and disposed off on the same day in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

A.K.V./-

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