

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51854 of 2017

Arising Out of PS.Case No. -73 Year- 2017 Thana -NATWAR District- SASARAM (ROHTAS)

Lakha Muni Kumari W/o Satya Narayan Singh, R/o Village- Jamodhi, P.S.-
Natwar in the District of Rohtas.

.... Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Navin Sharma, Advocate

Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 20-12-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Natwar P.S. Case No. 73 of 2017 registered under Section
409 of the Indian Penal Code.

The contention of the petitioner is that the petitioner
has no concern with the alleged construction of the school
building. He submitted that though in the financial year 2006-07
Rs.5,06,250/- was allotted to Primary School, Birauma Kala
under Dinara Block and the school building had to be
constructed by the Head Mistress and Secretary of Vidyalaya
Shiksha Samiti, initially, the petitioner and the then Secretary of



Vidyalaya Shiksha Samiti withdraw Rs. 1 lakh to start the construction work of the building, out of which, Rs. 51,000/- was handed over to one Shivji Chaudhary for purchase of the construction material and rest Rs.50,000/- to the proprietor of Brick kiln, namely, Pankaj Kumar to supply the bricks for construction of the school building but, subsequently, as the contractor started to create hindrance in construction of school building, she submitted an application to the Block Education Officer, Dinara on 02.12.2008 requesting him to exonerate her from construction of the school building. He submitted that at the request of the petitioner in the meeting on 23.12.2009 convened under the Chairmanship of Prakahand Pramukh, Dinara, the B.D.O. and B.E.O., Dinara it was decided that the construction work of the school building will be done by the Mukhiya of Rajpur Gram Panchayat namely, Shyamlal Paswan. Accordingly, the petitioner was directed to release the fund allotted for construction of school building to the Mukhiya of Rajpur Gram Panchayat whereafter, she released Rs.4,01,000/- in favour of Shyamlal Paswan through different cheques of different dates.

On the other hand, learned counsel for the State submitted that the construction of school building has been done



only upto the roof level and the petitioner and Secretary of the Vidyalaya Shiksha Samiti have illegally retained Rs.2,12,230/-.

Having regard to the facts and circumstances of the case and the submissions made on behalf of the parties, the petitioner, a lady public servant, reported to have clean antecedent, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Vikramganj, Rohtas in connection with Natwar P.S. Case No. 73 of 2017 subject to the conditions as laid down under Section 438(2) Cr. P.C. in the event of arrest or surrender in the court below within six weeks from today.

(Ashwani Kumar Singh, J.)

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