

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3408 of 2017

Arising Out of PS.Case No. -236 Year- 2016 Thana -GARAUL District- VAISHALI(HAJIPUR)

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Smt. Rina Devi W/o- Shri Shambhu Rai, R/o- village- Sondho Ratti, P.S.-
Goraul, District- Vaishali

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sri Krishna Ranjan

For the Opposite Party/s : Mr. Sri Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 14-02-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending her arrest in connection with Goraul P.S. Case No. 236 of 2016 registered for the offence punishable under Sections 420, 409/34 of the Indian Penal Code.

Accusation is of defalcation of Government money of Rs. 2, 21,604/-

Learned counsel for the petitioner has submitted that the petitioner, who is a lady, happens to be the Secretary of the school namely, Rajkiya Middle School, Sondho and she is only the authorized signatory of the Joint Account. In fact the Principal of the said school is the custodian of the government money. Admittedly, Rs. 2, 21,604/- has been withdrawn for the purpose of construction of school building but the same has been spent on the construction work only. Not a single farthing has been spent for



the personal purpose. The entire case is based on wrong measurement of Engineer who has prepared wrong report and submitted that the amount in question was not spent on the construction work and the D.E.O., Hajipur without verifying the fact lodged the instant case. No show cause in this regard has been asked by the authority from the petitioner. Since the construction work has been done and wrong measurement has been prepared by the Engineer, question of defalcation of government money does not arise. Hence, the petitioner, being the lady, deserves the privilege of anticipatory bail.

Considering the facts and circumstances of the case and the nature of allegation, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000 (Ten Thousand rupees only) with two sureties of the like amount each to the satisfaction of C.J.M., Vaishali at Hajipur in connection with Goraul P.S. Case No. 236 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Arvind Srivastava, J)

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