

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30907 of 2017

Arising Out of PS.Case No. -75 Year- 2017 Thana -KARPI District- JEHANABAD

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1. Randhir Kumar, S/o Sri Bhagwan Prasad, R/o Village-Damari Bigha (Near Jaimangal Bigha), P.S.-Karpi, District-Arwal.
 2. Sabita Devi, W/o Vijay Kumar @ Ajay Yadav, R/o Village-Dachinwari Mathiya, P.S.-Karpi, District-Arwal.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Bharat Bhushan

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 06-07-2017 Heard both sides.

The petitioners are apprehending arrest in connection with Karpi P.S. Case no. 75 of 2017 registered for the offence under Sections 420, 409/34 of the Indian Penal Code.

The petitioners were in-charge headmaster and secretary respectively, in Vidyalaya Shiksha Samiti of middle school, Dakshinbari Mathiya under Karpi block. In the financial year 2011-12 an amount of Rs. 5,54,829/- was transferred in the account of said school. Both the petitioners paid an amount of Rs. 1 lac to Vijay Kumar, 2,54,829/- to Ravindra Gope on 07.09.2012 and again transferred 2 lacs Rs. through cheque in favour of Ravindra Gop. Both the petitioners have thus disbursed the entire amount of Rs. 5,54,829/- within ten days. The said money was



sanctioned for construction of two additional class rooms. The said class rooms could not be completed and as per report of junior engineer, the value of constructed portion was assessed to the tune of Rs. 2,63,791/-. The petitioners have thus misappropriated an amount of Rs. 2,91,038/- in collusion with each other. The contention of the petitioners that the purchased building materials are still available on the site and they would complete the work within three months cannot exonerate them from the offence of defalcation in view of the fact that in spite of lapse of five financial years, the said work remained incomplete.

Considering the allegation of misappropriation of government money by these petitioners under their joint signature. of the petitioners, I am not inclined to grant them anticipatory bail. Their prayer of anticipatory bail is, therefore, rejected.

(Sanjay Kumar, J)

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