

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49188 of 2017

Arising Out of PS.Case No. -201 Year- 2017 Thana -GOPALGANJ TOWN District- GOPALGANJ

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1. Shiv Narayan Baitha, S/o Late Chandra Bali Baitha, resident of Village-
Belwa Mishra, P.S.- Bhokey, District- Gopalganj, at present R/o Village-
Banjari Brahm Asthan, P.S.- Gopalganj, District- Gopalganj

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Gajendra Kumar Singh, Adv.

For the Opposite Party : Mr. Prem Kumar Jha, APP 43

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

2 18-10-2017

Heard both sides.

The petitioner apprehends his arrest in Gopalganj P.S. Case No. 201 of 2017 under Sections 406 and 409 of the Indian Penal Code.

The gist of the allegation is that Rs.14,60,600/- given to Hari Narain Tiwari, the Head Clerk of the office of District Superintendent of Education, Gopalganj, through cheque no. 494664, dated 15.02.2005, for distribution of traveling allowance to the teachers engaged in election duty. Hari Narain Tiwari, the then Head Clerk, now retired, handed over the charge of money and registered to the petitioner, Shiv Narain Baitha, on 18.03.2007, but, the petitioner did not submit the vouchers of disbursement of traveling allowance amongst the teachers and it is alleged that the petitioner misappropriated the entire amount.

The learned counsel for the petitioner submits that the petitioner was not posted in the office of the District Superintendent of Education, Gopalganj. Hari Narain Tiwari, the then Head Clerk, received the cheque worth Rs.14,60,600/-. He



only handed over the registers of the teachers at the time of his retirement, but, in the year 2009 theft was committed in the office of the District Superintendent of Education, Gopalganj, and all relevant records were stolen. The petitioner did not defalcate and misappropriate any amount, but, it appears from the records, itself, that Hari Narain Tiwari handed over the money and registers to the petitioner for disbursement of traveling allowance to the teachers, but, the petitioner did not show any record on the plea that the same was stolen.

Considering the nature of allegation, made against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail.

The prayer for anticipatory bail is **rejected**.

(Prabhat Kumar Jha, J)

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