

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45765 of 2017

Arising Out of PS.Case No. -136 Year- 2017 Thana -GOVINDGANJ District-
EASTCHAMPARAN(MOTIHARI)

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ABUL KALAM AZAD@ABDUL KALAM AZAD Son of Late Md.
Ishhaque , At present Headmaster, Pandit Jawahar Lal Nehru High School,
Sirni Kothi, Govindganj, District- East Champaran, Motihari.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sharma, Advocate

For the Opposite Party/s : Mr. Sri Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 07-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Govindganj
(Malahi) P.S. Case No. 136 of 2017 instituted for the offence
under Sections 409 and 420 of the Indian Penal Code.

It is alleged that the petitioner who is in-charge
Headmaster of the school, withdrew an amount of Rs. 52,00,000/-
(Fifty two lacs) against the allotment of Rs. 39,37,750/- (Thirty
nine lacs thirty seven thousand fifty) under the head of student
fund and development fund and, has misappropriated an amount
of Rs. 12,52,250/- (Twelve lacs fifty two thousand two hundred
fifty). It has been mentioned in the written report at page 14,15
and 16 that petitioner neither appeared before the enquiry officer
nor produced the papers as demanded by inquiry officer and,
thereafter, FIR was lodged against the petitioner.



Learned counsel for the petitioner has submitted that Annexure-3 and 3/A of this petition, shows that various amounts have been spent and this is a matter of accounting.

Learned APP representing the State, opposes the prayer for bail.

Considering the facts and circumstance of the case, this Court is not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner stands rejected.

In the event of arrest or surrender of the petitioner, the petitioner is permitted to produce the relevant document, explaining the genuineness of Annexure-3 and 3/A before the enquiry officer as well as before the police within a period of four weeks from the date of receipt of this order and in that event, the court below will after getting report from the concerned authority and on being satisfied that he has explained about the expenditure of the defalcated amount, will consider his prayer for grant of regular bail.

It is further directed that the petitioner will not be arrested for four weeks from the receipt of this order.

(Sanjay Priya, J)

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