

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44833 of 2016

Arising Out of PS.Case No. -101 Year- 2016 Thana -JAGDISHPUR District- BHAGALPUR

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1. Randhir Kumar Son of Dukhan Mandal, resident of village-Koyali(Chilia), P.S.- Jagdishpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 19-01-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 406/409/420 of the Indian Penal Code.

The petitioner was in-charge Headmaster of the referred school. The allegation is that the petitioner defalcated money meant for construction of the school building allotted in the financial year 2006-07. Allegation is that work of Rs.1,67,494/- has not been completed by the petitioner and the money was withdrawn.

Submission of the petitioner is that the matter is of civil liability. Moreover, in the disciplinary proceeding the petitioner



has already been dismissed from service. The money was withdrawn under signature of one Soni Devi, who is not accused in this case.

The aforesaid fact cannot be a ground to grant anticipatory bail to the petitioner when the allegation is of defalcation of public money by the public servant.

Considering the aforesaid materials against the petitioner, I am not inclined to grant anticipatory bail to the petitioner in connection with Jagdishpur Police Station Case No. 101 of 2016, pending in the Court of learned Chief Judicial Magistrate, Bhagalpur/Successor Court. Accordingly, the prayer for anticipatory bail is rejected.

Mkr./-

(Birendra Kumar, J)

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