

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13743 of 2018

Arising Out of PS. Case No.-118 Year-2017 Thana- AMAUR District- Purnia

NAJMUN NISHAN, Wife of Md. Mahboob Alam, Resident of Village-
Bhawanipur, Police Station-Amour, District-Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Singh, Advocate

For the Opposite Party/s : Mr. Sri Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 06-04-2018 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending arrest in connection with Amour P.S. Case No.118 of 2017 registered for the offences under Sections 409 and 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that at the relevant time the petitioner was Headmistress of Bhawanipur School and in connection with construction of four rooms in the school building Rs. 6,25,000 was allotted to the Committee of the school in question of which the petitioner was associated in the capacity of Headmistress. From the complaint of the District Programme Officer, Establishment, it appears that the petitioner has been fastened with the liability for embezzlement of the aforesaid amount. Counsel further submitted that due to objection of the Shiksha Samiti of the school in question that



construction work was not completed, the petitioner has been made escape goat and implicated in this case. The opposite party have not carried any enquiry into the matter and simply the petitioner being the Headmistress of the school at the relevant time, has been made accused in the instant case.

In the totality of the fact situation, it is evident that the teachers are reduced at the level of contractor for utilization of fund allotted by the State Government under the Bihar Saksharta Mission of the Bihar Education Project and accountability on the petitioner was fixed without making enquiry into the matter. The case was lodged in hot haste.

The Court finds that the funds were allotted to the School Committee and not to the petitioner. She was associated with the construction work in the capacity of the Headmistress of the school. If the fund was not utilized properly, an enquiry ought to have been carried out for fixing the accountability.

Considering the aforesaid, the court is inclined to grant anticipatory bail to the petitioner. Let the petitioner, above named, be enlarged on bail, in the event of arrest/surrender within four weeks from today on furnishing bail bound of Rs 10,000(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Purnea in



connection with Amour P.S. Case No 118 of 2017, subject to the
conditions as laid down under Section 438(2) Cr.P.C.

(Anil Kumar Upadhyay, J)

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