

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36104 of 2018

Arising Out of PS.Case No. -1377 Year- 2017 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Ramesh Chandra S/o late Davendra Kumar Resident of Mohalla- Balipur Macharhatta, P.S. Barh, District- Patna.
2. Vijayendra Kumar Sharma Son of late Sheonath Sharma Resident of Pawal Niwas (House of Jamuna Prasad), Kannulal Road Mithapur, P.S. Jakkanpur, District- Patna.
3. Satyendra Narayan Singh Son of Mahesh Singh Resident of - Shailja Apartment, Flat No. 102, Jhunjhun Mahal Road, New Yarpur, P.S.- Gardanibagh, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Santosh Kumar Son of Jainath Prasad Yadav Secretary Managing Committee Dayanand Vidyalaya +2 Mithapur, P.S.- Jakkanpur, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Bhagat, Adv.
For the Opposite Party/s : Mr. B.N. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 27-08-2018 The petitioners are apprehending their arrest in connection with Complaint Case No.1377 (c) of 2017, registered for offences punishable under Sections 341, 323, 384, 406, 420, 468, 504, 120-B of the Indian Penal Code.

Allegation against the petitioners, who happens to be Principal and Ex-Principals of the school is of defalcation of Rs.1,58,764/- and Rs. 85,523/- and of misuse of the school fund and also of forming a false Governing Body for their own benefits.

Submission of learned counsel for the petitioners is that



the petitioners were appointed by the Managing Committee and they were working as Incharge Principal and further the order of the District Education Officer (Annexure-2) shows that he had authorized petitioner no.2 to work as Incharge Principal of the school and in fact there is no defalcation and there is dispute between Managing Committee and the school and for that the petitioners have been implicated in this case.

Heard learned A.P.P. as well as learned counsel for the informant, they have opposed the prayer for anticipatory bail of the petitioners by stating that petitioners have made huge defalcation in the school and so far order of the District Education Officer is concerned, the complainant has moved before this Court by filing the writ application and in the writ application there was direction to the authorities to look into the matter and the matter is pending in L.P.A. before this Court.

Having heard both sides, in view of the above facts and circumstances as stated above, let the petitioners above named, in the event of their arrest or surrender before the court below within a period of six weeks and on surrender they will be released on provisional bail on furnishing bond of Rs. 25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of ACJM-XII, Patna, with a condition that



petitioners will produce all the papers before the Investigating Officer. However after submission of charge-sheet if the allegations are found true against the petitioner, they will have surrender before the court below and pray for regular bail which would be considered on the basis of the materials available at that time.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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