

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49957 of 2017

Arising Out of PS.Case No. -73 Year- 2017 Thana -SONBERSA District- SAHARSA

- =====
1. Nand Kumar Niraj, son of Shri Bishundeo Sah, resident of village-Bhawra, Post Officer-Amrita, Police Station-Sonbarsa Raj, District-Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar
2. Mithilesh Kumar Singh, son of late Janardan Prasad Singh, Block Education Officer, Sonbersa Raj, District-Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Masleh-Uddin Ashraf, Advocate
For the State : Smt. Veena Rani Prasad, APP
For the Opposite Party No.2: Mr. Swapnil Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

13/ 10-05-2018

Heard learned counsel for the petitioner and learned APP for the State as well as learned counsel for the Informant.

Petitioner apprehends his arrest in **Sonbarsa Raj P.S. Case No.73 of 2017** instituted for the offence under Section(s) 406, 409, 420 Indian Penal Code pending in the Court of the **Chief Judicial Magistrate, Saharsa.**

First Information Report has been lodged by Block Education Officer in compliance of direction of District Programme Officer, Saharsa, levelling allegation that this petitioner being Headmaster of Primary School, Bhawara, had been provided government fund in the financial year 2010-11 and



2011-12 for construction of school building but he has not completed construction work and after due calculation amount of Rs.30,17,661/- has fallen due to be recovered from him.

Supplementary Affidavit has been filed by the petitioner, wherein, it is mentioned in para 2 that out of 13 rooms, two rooms have already been completed and 7 rooms have been completed up-to roof level.

Counter Affidavit has been filed by the informant stating therein that petitioner is absent from the school since 02.01.2015 and a letter has been issued vide Letter No.241 dated 05.06.2017 by the District Programme Officer, Sonbarsa, addressed to the petitioner stating therein that only Rs.7780/- is in the account but till date work has not been completed. It has further been stated in para 6 of the Counter Affidavit that after calculation amount of Rs.30,17,881/- is recoverable from the petitioner. It is mentioned in para 9 of the Counter Affidavit that work has not been completed, which is apparent from letter No.462 dated 21.04.2018 issued by the District Programme Officer, Saharsa (Annexure-B to the Counter Affidavit).

Learned APP has submitted that in the case diary it has come that Rs.37,51,470/- is recoverable from the petitioner.

From the Supplementary Affidavit filed on behalf of



the petitioner also, it is evident that work has not been completed.

In such circumstances, this Court does not find it a fit case for grant of anticipatory bail.

Prayer of the petitioner for grant of anticipatory bail is **rejected**.

Petitioner may surrender before the Court below and seek regular bail, which shall be considered and disposed off in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

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