

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3038 of 2018

Arising Out of PS.Case No. -385 Year- 2017 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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Neyaz Ahmad, Son of Atiur Rahman @ Atiur Rahman Ansari, resident of
Village- Chamua, Police Station- Shikarpur, District- West Champaran, at
present Head Master of Primary School, Chamua, West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 02-02-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends arrest in connection with
Shikarpur P.S. Case No.385 of 2017 registered for the offences
under Sections 409 and 420 of the Indian Penal Code.

This case has been registered on the basis of written
report of Block Incharge of Mid-Day meal. It is alleged that an
enquiry was conducted on 08.09.2017 at Primary School,
Chamua and it was found that out of total 355 registered students
in the school, attendance of only 275 students was noted in the
attendance sheet of 07.09.2017. However, on the date of
inspection the attendance registers were not found filled up and



on physical verification only 93 students were found present. It is further alleged that the headmaster in collusion with others for the period from April, 2017 to August, 2017 consumed food grains at school and thereby misappropriated the fund of Mid-Day meal.

The learned counsel for the petitioner submits that for management of schools, a Committee consisting of 17 members is constituted. The petitioner being Headmaster is one of them. The schools are managed by the Committee as per instructions issued by the Government of Bihar. There is no allegation of defalcation by the said Committee. The Mid-Day meals are prepared on the basis of average strength of students. On the date of inspection, the attendance of students was poor on account of flood in the locality. The petitioner has clean antecedent and so he deserves anticipatory bail.

The learned A.P.P. for the State opposed the submission.

Considering the facts and circumstances of the case, the prayer for bail is allowed and the above named petitioner, in the event of arrest or surrender before the learned court below within six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the likewise amount each to the satisfaction of learned



Chief Judicial Magistrate, Bettiah (West Champaran) in connection with Shikarpur P.S. Case No.385 of 2017, subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(Sanjay Kumar, J)

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