

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8782 of 2018

Arising Out of PS.Case No. -70 Year- 2016 Thana -GOH District- AURANGABAD

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Geeta Devi, Wife of Jitendra Kumar, resident of Village- Bajar Verma,
Police Station- Goh, District- Aurangabad.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar

For the Opposite Party/s : Mr. Akhileshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 21-02-2018

Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner apprehends her arrest in relation to Goh P.S. Case No. 70 of 2016 registered under Sections 409, 420 and 34 of the Indian Penal Code, pending in the court of learned Judicial Magistrate, 1st Class, Daud Nagar, Aurangabad.

Learned counsel for the petitioner submits that petitioner happened to be the Secretary of School Education Committee and in terms of the arrangement made by the State Government the funds, allocated for the purpose of construction of school building, could have been withdrawn only under the joint signature of the Headmaster of the school and the Secretary of the School Education



Committee. Admittedly, this petitioner put her signature on the cheques by which a sum of Rs. 10,03,400/- has been withdrawn out of the funds allocated for construction of school building but the school building was not constructed, therefore on instruction from the State officials the Block Education Officer lodged F.I.R. giving rise to the present case.

The petitioner is seeking anticipatory bail, her basic contention is that the responsibility to construct the school building is upon the Headmaster even though she had to do some sort of supervision of the construction. It has been brought to the notice of this Court that the Headmaster Bindeshwar Kumar had earlier moved for regular bail before the learned Sessions Judge, Aurangabad vide B.P. No. 1010/2017 vide order dated 25.08.2017. He was granted a provisional bail till 10.10.2017, which according to learned counsel for the petitioner has been further extended till today and the Headmaster was given an opportunity to complete the construction work of the school building and submit a complete account of the amount spent by him. A copy of certified copy of the order dated 25.08.2017 passed in B.P. No. 1010/2017 has been placed



before this court in order to satisfy that the Headmaster has taken upon himself the responsibility to construct the school building and to submit a complete account of money spent by him.

Learned counsel for the petitioner submits that once the Headmaster has taken upon himself the responsibility and has been granted provisional bail by the learned Sessions Judge, Aurangabad and that he is already in the midst of completing construction then no fruitful purpose will be served by sending this lady petitioner behind the bar.

Learned counsel for the State is present and submits the petitioner happened to be the one of the signatories and without her active participation the money could not have been withdrawn.

Having heard learned counsel for the parties and upon perusal of the records where the Headmaster of the school has already taken upon himself the responsibility to construct the building and submit complete account and pursuant to such undertaking he has been granted provisional bail which according to learned counsel has been extended from time to time and today is the date fixed



in the court below, in the opinion of this court, instead of granting anticipatory bail to the petitioner, let the petitioner surrenders in the court below within a period of four weeks from today and on her surrender, the Court below shall consider the submissions which have been taken note of hereinabove and in case it is found that the Headmaster has constructed the building and has taken the responsibility of the money spent by him, the prayer for regular bail of the petitioner shall be considered keeping in mind that the petitioner is a lady and her case needs to be considered with some compassion in the circumstances stated above.

This application is disposed off.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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