

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61355 of 2018

Arising Out of PS. Case No.-352 Year-2017 Thana- SHERGHATI District- Gaya

Meena Sinha wife of Late Kailash Singh, Headmaster Middle School, Jay Prakash Nagar, P.S. Dobhi, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena

For the Opposite Party/s : Mr. Arun Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 10-12-2018

Heard learned counsels for the parties.

The petitioner, being the Headmaster of the school is apprehending arrest in a case registered for the offences punishable under Sections 409/34 of the IPC.

The accusation is of misappropriation of fund with regard to mid-day meal and the total amount which has been misappropriated has been calculated to the tune of Rs.23,000/-.

It is submitted by learned counsel for the petitioner that similar kind of recovery of the misappropriated amount from the other headmasters has been stayed by a Bench of this Court vide order dated 9.4.2018 passed in CWJC No. 1762 of 2016 and its analogous cases in view of the decision taken by the Government to hand over the Mid-day Meal scheme to the self help group, Sevika. It is further submitted that some of the students were not present on



the day of enquiry.

Learned APP submits that after enquiry, it was found that bill for the Mid-day Meal was prepared after making it ten percent disproportionate to the actual strength of the students.

Considering the nature of accusation, the fact that similar kind of recovery with regard to other headmasters has been stayed by a Bench of this Court and statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Sherghati at Gaya in connection with Sherghati (Dobhi) P.S. Case No. 352 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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