

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9591 of 2019

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

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Uday Kumar aged about 39 years, male, Son of Late Shivrath Yadav
Resident of Village - Kusabija, P.S. Dobhi, District - Gaya at present posted
as Incharge Headmaster, Middle School, Piparghati, P.S.- Dobhi, District -
Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Nikhilesh Kumar, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 19-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 409, 34 of the Indian Penal Code
registered in connection with Sherghati (Dobhi) P.S. Case No. 352
of 2017.

3. It is submitted that the petitioner has been falsely
implicated in connection with alleged irregularity in the mid day
meal scheme. It is submitted that while the inspection was
carried out in the school on 08.03.2017, the regular headmaster
at the relevant time was one Indradeo Singh and the petitioner
has taken charge as Headmaster of the school thereafter on
17.03.2017. It is therefore submitted that the petitioner has
nothing to do with the occurrence. Moreover, the bank account of
the school had also not been transferred in the name of the
petitioner and as such no part of the school's transaction were
made by the petitioner. Co-accused Meena Sinha who is the



Headmaster of the middle school Jay Prakash Nagar has been granted anticipatory bail by this Court in Cr. Misc. No. 61355 of 2018. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Sherghati (Dhobi) P.S. Case No. 352 of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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