

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17316 of 2019

Arising Out of PS. Case No.-25 Year-2019 Thana- LAXMIPUR District- Jamui *

Ashutosh Kumar Deo, Son of Sri Vyas Deo, Resident of Village - Kahua, P.S.-
Sangrampur, Distt - Munger, Presetly posted as Incharge Head-master,
Utkramit Middle Shcool (U.M.S) Laxmipur, P.S.- Laximpur, Distt - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Choudhary

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 26-03-2019

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in connection with
Laxmipur P.S. Case No.25 of 2019 registered for the offence punishable
under Sections 408, 409, 419 and 420 of the Indian Penal Code.

The prosecution case, as per the written report of Block
Education Officer, Laxmipur submitted to the S.H.O. Laxmipur P.S. is to
the effect that during sudden inspection conducted on 17.01.2019 at
Laxmipur Middle school, discrepancy was found in mid day meal
scheme in the school since January, 2019, mid day meal register of the
said school was not maintained properly on the date of inspection 91
students were marked present though actually 89 students were found
present and from 18th December, 2018 to 31st December, 2018 average
138 students per day were marked present in attendance register of the
school.

It is submitted by learned counsel for the petitioner that in
most of the times initially when the school starts, the presence of



the student is higher in number but by the time, the mid day meal is served, some of the students after taking meal used to go home and during inspection, only 3 students were found less than the number of students marked presence. So far as accusation of misappropriation between 18th December, to 31st December, 2018 is concerned, only on surmises, the calculation has been made.

Learned A.P.P. for the State has vehemently opposed the prayer for bail and submits that the accusation is specific against the petitioner.

Considering the nature of accusation coupled with the statement made in paragraph no.3 of the bail application with regard to criminal antecedent, the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Jamui in connection with Laxmipur P.S. Case No.25 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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