

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47685 of 2019

Arising Out of PS. Case No.-453 Year-2018 Thana- LALGANJ District- Vaishali

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Mala Kumari, Aged about 50 years, Female, W/o Ram Pravesh Singh,
Resident of Village Sirsa Biran, P.S. Lalganj, District Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi

For the Opposite Party/s : Mr.Abhay Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 31-07-2019 Heard Mr. Manish Chandra Gandhi, the learned

counsel appearing on behalf of the petitioner and the learned

Additional Public Prosecutor.

The petitioner apprehends her arrest in Lalganj P.S.

Case No.453 of 2018, registered under Section 409 of the Indian

Penal Code.

The gist of the allegation is that the petitioner being

Incharge Headmistress of Government Primary School, Sirsa,

Block Lalganj, District Vaishali withdrew Rs.8,00,000/- meant

for construction of two additional class rooms in the year 2014-

15 on 29.09.2014 and 24.03.2015. The petitioner did not do any

construction work for construction of two class rooms in the

school. On the order of the District Magistrate, Vaishali the case

was registered.



Learned counsel for the petitioner submits that from perusal of Annexure-2, the office order issued by the District Education Officer, Vaishali, it appears that the District Education Officer, Vaishali directed the Block Education Officer, Lalganj to withdraw the FIR within three days from the date of issuance of letter no.799 dated 12.03.2019 on the ground that the petitioner deposited Rs.6,69,964/- out of Rs.8,00,000/-. It is further submitted that the petitioner did not defalcate or misappropriate any amount. The petitioner after withdrawing the money from the account of the Vidyalaya Shiksha Samiti gave money to different shopkeepers for supply of sand, bricks, cement but some dispute arose on account of which the petitioner could not be able to complete the construction work. It is further submitted that the District Education Officer has already directed the Block Education Officer to withdraw the FIR but the FIR has not been withdrawn.

It appears from perusal of the records that the petitioner withdrew Rs.8,00,000/- from the account of Vidyalaya Shiksha Samiti on 29.09.2014 and 24.03.2015 but when the school was inspected, it was found that the petitioner had not done any construction work and she defalcated the entire amount of Rs.8,00,000/- meant for construction of two



class rooms in the financial year 2014-15. When this fact was brought to the notice of the District Magistrate, Vaishali, the District Magistrate, Vaishali ordered for institution of the FIR and a departmental proceeding was also initiated against the petitioner but it appears that in the meantime, the petitioner deposited Rs.6,69,964/- on different dates in the year 2016 and 2017 and on the basis of which the District Education Officer directed the Block Education Officer to withdraw the FIR but since the petitioner withdrew the amount of Rs.8,00,000/- from the account of the Vidyalaya Shiksha Samiti and misused the same for more than 2½ years and did not undertake any construction work of the class rooms, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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