

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58672 of 2019

Arising Out of PS. Case No.-135 Year-2019 Thana- MADHUBANI TOWN District-
Madhubani

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UMESH BAITHA Son of Late Bhanu Baitha Resident of Village-Nonaura,
P.S-Ghorasahan, District-Motihari.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. P. K. Sahi, Sr. Adv. Mr.Sanjay Prakash Verma
For the Opposite Party/s :		Mr.Aditya Narayan Singh.1

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-09-2019 Heard learned Senior Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Madhubani Town Police Station Case No. 135 of 2019,
disclosing offences under Sections 420/409/467/468/471/34 of
the Indian Penal Code.

The prosecution case, as per the written Report of
District Education Officer, Madhubani, is that a Three-Men
Committee was constituted to enquire into the irregularities in
preparation of bills of pay of teachers, in which the petitioner
and other co-accused persons have been found guilty. It has
further been alleged that in course of enquiry, it was found that
while preparing the pay bills of the teachers from April, 2018 to



September, 2018, names of 21 teachers at the block level and 18 teachers at the panchayat level have been added by manipulation and they were also paid the salary wrongly and the petitioner and other employees knowingly made wrong entries and misappropriated the government money. The complaint made by the District Education Officer is with regard to the payment made to the teachers by making manipulation in the list of names of teachers.

Learned Senior Counsel for the petitioner submits that the petitioner has unnecessarily been dragged in this case on the basis of the report of Three-Men Committee inasmuch as from perusal of the said report, it would be evident that no material has been collected by the said committee to connect this petitioner with the alleged offence. He further submits that the bills for payment of salary to the teachers are forwarded by the Headmaster of the concerned schools and it is prepared at the level of block office by the concerned bill clerk and thereafter the same is placed before the Block Education Officer for his counter signature and then the same is forwarded to the District Programme Officer for verification and counter signature. He submits that the act of the petitioner of putting his signature on the bills prepared by the bill clerk may be a case of negligence



on the part of the petitioner, but not any criminal intent was there. He further submits that the petitioner has already retired from service and the present case has been lodged at the fag end of the retirement of the petitioner. He further submits that except the fact that petitioner has put his signature on the bills for payment of salary to the teachers, which were prepared by the bill clerk, there is no evidence to show that the petitioner has committed the offence with an intention to misappropriate the government money.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner, as Block Education Officer, has only put his counter signature on the bills for payment of salary to the teachers and then the bills were forwarded to the District Programme Officer and ultimately payment was made after approval of the District Programme Officer, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Umesh Baitha, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Madhubani, in connection with Madhubani Town Police Station Case No. 135 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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