

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35944 of 2018

Arising Out of PS. Case No.-2 Year-2018 Thana- AAYAR District- Bhojpur

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Jitendra Prasad Singh S/o Late Tej Bahadur Singh, Resident of Village-Samahuta, P.S.- Karakat, District- Rohtas, that then posted as Headmaster in-charge of Upgraded Middle School Lalganj Garhani at present posted as Girl Primary School Sarathua, P.S.- Udwant Nagar, District- Bhojpur Ara.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajiva Ranjan

For the Opposite Party/s : Mr. Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 25-01-2019 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 406,409 and 420/34 of the IPC.

The prosecution case as per the written report of Block Education Officer, Garhani submitted to the SHO, Ayar Police Station is to the effect that since there was direction of the District Magistrate, Bhojpur for lodging FIR against all the Headmasters and Incharge Headmasters for not completing the construction work, the FIR was lodged. It is alleged against the petitioner that the petitioner being Headmaster of Middle School, Lalganj, subsequently transferred to Girls Primary School, Sarhatua, failed to complete the construction work of



the school and misappropriated the government money.

It is submitted by learned counsel for the petitioner that the petitioner has been transferred from Up-graded School, Lalganj to Girls Primary School, Sarhatua, hence, there was some delay in completing the work but the petitioner has completed the work and has even spent Rupees Three Lacs from his own pocket.

A supplementary counter affidavit has been filed duly sworn by the Block Education Officer, Garhani annexing therewith the certificate of Junior Engineer that the work of the school in question has been completed. Paragraph no. 2 of the supplementary affidavit reads as follows:

“That pursuant to order of Hon’ble Court answering deponent along with junior Engineer visited the upgraded Middle School Lalganj and inspected the construction work and found that petitioner completed, the work and team consisting junior Engineer technical Supervisor and Assistant Engineer visited the constructions side and certified that work has been completed vide his letter no. 24.01.2019.”

Keeping in view the stand of the informant, the provisional bail granted to the petitioner vide order dated 2.7.2018 in connection with Ayar P.S. Case No. 2 of 2018



pending in the Court of the learned CJM, Bhojpur, is hereby confirmed .

(Dinesh Kumar Singh, J)

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