

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87331 of 2019

Arising Out of PS. Case No.-144 Year-2019 Thana- ARIYARI District- Sheikhpura

DEVENDRA PRASAD SAH, Son of Laxman Sah, Resident of Village-
Bajitpur, P.S.- Vidyapati Nagar, Distt- Samastipur, presently posted as
Assistant Teacher, Middle School Afani, Block- Ariari, Distt- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pramod Kumar, Adv.
For the State	:	Mr.Dr. Indivar Kumari, APP
For the Informant	:	Mr. Satish Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-02-2020 Heard the parties.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 420, 406, 409 of the Indian Penal Code.

Prosecution case, as per FIR is that as per direction of District Program Officer, Establishment, Sheikhpura as contained in letter no. 1203 dated 12.09.2019 the informant namely Manju Kumari, who is BEO at Ariari Block has lodged the FIR against the petitioner that petitioner has withdrawn Rs.2,00,000/- interest money from the account of Vidyalaya Shiksha Samittee, Middle School, Aifni, P.S. and Block, Ariari without permission of the concerned department, which is embezzlement of the Government money.

Learned counsel for the petitioner submits that the petitioner is quite innocent and has committed no offence, as



alleged in FIR. It has been further submits that the petitioner has been falsely implicated in this case at the instance of his opponents. Further submits that against the suspension order of petitioner, passed by District Program Officer, Establishment, Sheikhpura vide Memo No. 591 dated 13.04.2016 the petitioner has moved before the Hon'ble Court, Patna vide C.W.J.C. No. 13966/2016. During the pendency of the writ petition the District Education Officer, Sheikhpura has revoked the suspension order of the petitioner. Vide order dated 05.09.2017 by the Hon'ble Court disposed of the writ petition with direction that the petitioner shall be at liberty to assail the order passed against him. As per direction of Hon'ble Court the petitioner has filed representation before the Regional Deputy Director (Education), Munger Division and he discharged the petitioner from all liabilities vide order dated 21.08.2018 as contained in Memo No. 1132.

Learned counsel for the petitioner further submits that District Programme Officer (Establishment), Sheikhpura has revoked the suspension of the petitioner and imposed minor punishment by withholding two annual increments with non-cumulative effect as contained in Annexure-4. The petitioner being aggrieved from the order dated 06.12.2016 passed by the District Programme Officer (Establishment), Sheikhpura filed appeal before the Regional Deputy Director, Munger Division, Munger



and the appellate authority after going through the enquiry report and came on conclusion that the minor punishment imposed upon the petitioner is not appropriate and he had set aside the punishment order dated 06.12.2016 vide Memo No. 1132 dated 21.08.2018.

Learned counsel for the informant has opposed the prayer for bail.

In the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheikhpura in connection with Ariari P.S. Case No. 144 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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