

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10186 of 2020

Arising Out of PS. Case No.-187 Year-2019 Thana- BELSAND District- Sitamarhi

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Ram Hridya Baitha, aged about 61 years, Male, Son of Late Jagdish Baitha,
Resident of Village - Sukhi, P.S.- Belsand, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr.Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

9 08-02-2021 Learned counsel for the petitioner has filed
supplementary affidavit. Let it be kept on record.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Belsand P.S. Case No. 187 of 2019 registered for the
offences punishable under Sections 409, 380, 411/34 of the
Indian Penal Code.

The informant Bishundev Yadav, Block Education
Officer, Belsand submitted a written report to the S.H.O.,
Belsand, vide letter no.549, dated 25.12.2019 with an allegation
that he got information on telephone from the villagers the
B.D.O., Belsand and other superior officers inspected the
Middle School, Bharwari and inspected the stock of Mid day



meal scheme where the Sadhansevi Sri Rakesh Kumar was found present there and during course of investigation, it was found that 12 bags of rice were not in government issued bags but the same was found in bags available in the market and were hand stitched whereas 25 kg rice was found in a container and one bag of rice was found loaded on a tractor and all the rice were seized and recovered 19 quintals of rice. The ward Member Smt. Janki Devi informed that the retired headmaster, Ram Hirday Baitha came with a tractor in the mid-night of 24.12.2019 along with co-accused Sudhir Kumar, the tractor driver and the purchaser Santosh Kumar and after unlocking the gate through key they entered into the campus of the school and were loading the same and further it is mentioned in the F.I.R. that the headmaster of the school then informed who discloses that he gave the key of the school to Ram Hirday Baitha as he was the executing agent of the proposed building of the school.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that the petitioner has retired on 30.11.2019 and petitioner has already handed over the charge of school of Headmaster. He further submits that the petitioner has got no concern with the affairs of the school. The seizure memo



indicates that only 50 kg rice has been found upon the tractor along with one motorcycle which does not support the prosecution story as the seizure memo is the part of the F.I.R. He further submits tht the petitioner has got no any criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for bail.

In the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of ACJM 1st, Sitamarhi in connection with Belsand P.S. Case No. 187 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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