

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 6676 of 2021

Arising Out of PS. Case No.-432 Year-2020 Thana- RAJAOLI District- Nawada

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Anil Kumar, Male, aged about 58 years, Son of Late Baleshwar Singh, Resident of Village-Mahawatpur, PS- Sirdala, District- Nawadah, at Present Incharge Head Master, Upgrade Middle School, Balia, PS- Rajauli, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the State : Mr. Anand Mohan Prasad Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 21-08-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioner on 09.08.2021, which was allowed.

3. Heard Mr. Arun Kumar, learned counsel for the petitioner and Mr. Anand Mohan Prasad Mehta, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

4. The petitioner apprehends arrest in connection with Rajauli PS Case No. 432 of 2020 dated 13.09.2020, instituted under Sections 406 and 420/34 of the Indian Penal Code.



5. The petitioner, who was In-charge Headmaster of the Upgraded Middle School, Balia, Rajauli, along with others is of involvement in irregularities under the Mid Day Meal Scheme. The said FIR is the result of a video which became viral in the school showing the son of one of the cooks of the school with two bags of rice and the said person was also running a *Kirana* shop in the same village.

6. Learned counsel for the petitioner submitted that he was the In-charge Headmaster of the school and was not directly involved in the affairs of distribution of Mid Day Scheme during the COVID pandemic period as it was a team which was constituted in terms of the order of the District Magistrate. Learned counsel submitted that the distribution of foodgrains was to be monitored by such Committee in which four teachers of the school namely, Prahlad Kumar Choubey, Asish Kumar, Md. Rasid Iqbal and Ajit Kumar (co-accused) had been made In-charge for distribution of rice under the Mid Day Scheme with effect from 10.08.2020. It was submitted that the incident shown in the viral clip is of 18.08.2020 i.e., after the constitution of the said Committee. Learned counsel submitted that even in the viral the voice is that of co-accused Ajit Kumar, who was member of the said Committee and not the petitioner. It was submitted that in the



matter, complicity of the cook has been ruled out as the explanation, that she had asked her son to take the rice, which was kept in the sun to ensure that it did not go bad, to the storage room, has been accepted and that is why neither she nor her son have been made accused in the present case. Thus, it was submitted that once the main allegation of two bags containing rice shown in the viral video being against the son of the cook, no criminal liability can be fastened against the petitioner, at least in the present matter. Learned counsel submitted that even with regard to detection of excess rice, as the school was a COVID quarantine centre for migrants who were coming from outside the State, since foodgrains were being sent for their food which was also in the premises of the school and even the services of the cooks of the school were being utilized, whatever was unutilized was also kept in the same store due to which more foodgrains have been found upon verification. It was submitted that the petitioner has never been involved in any other criminal case and he is at the last stage of employment and for this allegation, he has been placed under suspension and departmental proceeding has also been initiated against him treating it as misconduct.

7. Learned APP submitted that the petitioner being the In-charge Headmaster was responsible for such irregularities.



8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in view of the petitioner having constituted a Committee of four teachers, as per the guidelines of the District Magistrate, Nawadah with regard to distribution of rice under the Mid Day Meal Scheme during the pandemic period and the explanation of the cook with regard to irregularity of two bags of rice being shown with her son, having been accepted by the authorities and the petitioner having no past criminal antecedent, the Court is inclined to allow the prayer for pre-arrest bail.

9. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawadah in Rajauli PS Case No. 432 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner and (ii) that the petitioner shall co-operate with the Court and police/prosecution. Failure to co-operate shall lead to cancellation of his bail bonds.



10. It shall also be open for the prosecution to bring any violation of the foregoing conditions by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

11. The petition stands disposed of in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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