

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18254 of 2021

Arising Out of PS. Case No.-56 Year-2019 Thana- KHIRHAR District- Madhubani

Abdul Gaffar, male, aged about 49 years, Son of Menhdi Hasan, Resident of
Village – Khirhar, Tole - Got, P.S. - Khirhar Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Roy, Sr. Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 11-03-2022 Heard Mr. Rajeev Roy, the learned senior Advocate
for the petitioner and the learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Khirhar P.S. Case No. 56 of 2019,
dated 07.08.2019, instituted for the offences under Sections
406, 409 and 420/34 of the Indian Penal Code.

The accusation in the F.I.R., which has been lodged
by the Block Education Officer, Harlakhi, is that there is
some suspicion of the petitioner having withdrawn some
money from the school without proper authorization and
having embezzled the same. There is a specific accusation



that an amount of Rs. 3,57,349/- was withdrawn by the ex-Principal and the petitioner by their joint signature. Later, the petitioner, in his capacity as a senior teacher, is said to have withdrawn Rs. 1,40,213/- from the school account. Thereafter, it has been suspected that perhaps an amount of Rs. 2,32,538/- would also have been withdrawn and the reason for raising this suspicion is that the petitioner did not hand over the charge of the financial records of the school to any other teacher.

Mr. Rajeev Roy, the learned senior Advocate has submitted that there is no dispute with respect to the joint withdrawal of Rs. 3,57,349/-, which has been duly accounted for. The allegation of the petitioner having withdrawn Rs. 1,40,213/- from the bank in his individual capacity is not worth accepting as from the aforesaid account of the school, there could be a withdrawal under the joint name of the Principal and the petitioner only.

So far as other withdrawals are concerned, it has been well explained as to when was money withdrawn and under what head was it expended.



It has further been submitted that the major part of the accusation in the F.I.R. is only based on suspicion for which the informant had suggested audit of the school account. It has also been submitted that the petitioner had resigned from service in January, 2012 and the F.I.R. has been lodged for the financial transactions of the year 2011.

Regard being had to the facts afore-stated, the petitioner, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Benipatti, Madhubani in connection with Khirhar P.S. Case No. 56 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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