

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30117 of 2021**

Arising Out of PS. Case No.-2 Year-2021 Thana- BALIA BELON District- Katihar

Jawahar Lal Roy S/o Ganeshi Roy Resident of Ashok Nagar, P.S.- Kodwa,
District- Katihar. At present- incharge Headmaster, Primary School,
Madhyam Tola, District- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Adv.

Mr. Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr. Dilip Kr. No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 18-01-2022 Heard learned senior counsel for the petitioner and

learned Additional Public Prosecutor for the State through the

virtual court proceeding.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks. In the eventuality of
non-removal of defects within undertaken period, the office will
place the matter before the Bench.

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

Prosecution case is that Rs. 8,26,500/- was sanctioned
for construction of class rooms in Primary School, Madhyam
Tola, Rahmati, Block Kadwa in the financial year 2011-12. It is
further alleged that the petitioner being In-charge Head Master



of the said school withdrawn the said amount but could not complete the construction work and as such defalcated Rs. 5,36,800/-

It is submitted by learned counsel for the petitioner that petitioner is innocent and has been falsely implicated in this case. He submits that petitioner was handed over the charge in the year 2013 and, thereafter, he started the construction work but since the scheme was sanctioned in the year 2011-12, therefore, due to inflation, rest of the work could not be completed for which he sent a letter to the District Programme Officer to make available additional amount. He submits that the petitioner, in his tenure, completed the structure and brick work for which he spent Rs. 4,27,175/- and Rs. 2,56,000/- is still available in the account of school, therefore, there is no question of defalcation by the petitioner. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

However, petitioner is ready to deposit Rs. 1,43,325/- in the treasury.

In that view of the matter, let the above named petitioner, be released on bail, on showing receipt of deposit of Rs. 1,43,325/- in the treasury, in the event of his arrest or



surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Balia Belon P.S. Case No. 02 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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