

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28449 of 2022

Arising Out of PS. Case No.-114 Year-2021 Thana- UDAKISHUNGANJ District-
Madhepura

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SIYARAM PASWAN Son of Late Banke Paswan Resident of Village -
Karouti Bazar, Ward no.0, P.s.- Udakishunganj, Distt.- Madhepura at Present
Posted as Assistant Teacher in K.P.N. Plus 2 School , Pipara, Karouti, Block-
Udakishunganj, Distt.- Madhepura, (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 08-09-2022 Heard Mr. Sanjay Kumar, learned counsel for the

petitioner and learned counsel for the State.

Let the defect(s), if any, as pointed out by the office

be removed within four weeks.

The petitioner is in judicial custody in connection

with Udakishunganj P.S. Case No. 114 of 2021 for the offences

under Sections 420 and 409/34 of the Indian Penal Code.

The prosecution case is based on the written petition

filed by the Block Education Officer, Udakishunganj before the

SHO, Udakishunganj for lodging FIR against the petitioner, who

was working in the capacity of I/C Head Master of K.P.M. +2

School, Pipra Karauti, Udakishunganj, Madhepura. It has been



mentioned in the petition that the petitioner being I/C Head Master has withdrawn a sum of Rs. 22,05,611/- of the different school scheme but has not disbursed the same to the beneficiary students and thus has embezzled the Government money to the tune of Rs. 22,05,611/-. As such a direction was given by the District Education Officer vide his letter no.484 dated 05.04.2021 to the Block Education Officer to the FIR against the petitioner for embezzlement of the Government money. Accordingly, the present case was registered against the petitioner.

Learned counsel for the petitioner submits that contrary to the allegation made in the FIR, he has made categorical statement in paragraph-14 of the bail application that the entire amount is lying in the bank account. It is his further submission that he had made complaint against one Aman Kumar, Member of the District Board and his brothers namely, Roushan Kumar and Sourav Kumar about alleged encroachment of land of the school and this FIR is counter blast by his blue eyed boy which is presently the in-charge Head Master.

Learned APP for the State opposes the prayer for bail and submits that it is a case of defalcation of the amount which otherwise should have gone to the beneficiaries of the students



for bicycle and uniform.

Considering the aforesaid facts that the categorical statement of the petitioner about the amount being lying in the bank account and the same is counter blast of his complaint against the District Board member as also the fact that he is in custody since 01.02.2022 (as stated in paragraph-4 of the bail application) and has no criminal antecedent, this Court is inclined to grant him privilege of bail.

However, if it is found that the statement made in paragraph 14 of the bail application regarding presence of the amount in the bank account is false, the bail application shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of like amount each to the satisfaction of learned ACJM-I, Udakishunganj (Madhepura) in connection with Udakishunganj P.S. Case No. 114 of 2021, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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