

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17718 of 2023

Arising Out of PS. Case No.-422 Year-2022 Thana- MITHANPURA District- Muzaffarpur

KIRAN KUMARI @ KIRAN DEVI W/O Abhiruchit Kumar R/O Village-
Kanhauli Math, P.S- Mithanpura, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Chandra, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-05-2023 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Mithanpura PS case no. 422 of 2022,
registered for the offences punishable under Section 420 and
other allied sections of the Indian Penal Code.

The case of the prosecution in brief, according to
the informant, is that the petitioner who is the Secretary, School
Managing Committee, Ram Janki Boys Middle School,
Kanhauli Math, Musahari, Muzaffarpur, had issued a letter
dated 07.02.2022 to the District Program Officer
(Establishment), Muzaffarpur drawing his attention towards the
letter dated 29.12.2021, issued by the Director, Primary
Education Department and had demanded salary for the teachers
of the said School, however, subsequently, it transpired that the



said School in question is a private school, hence, no money can be given for payment of salary to the teachers of the said school and the said letter, stated to have been issued by the Director, Primary Education Department, is purportedly a forged letter, on the basis of which the petitioner had tried to syphon funds.

The learned counsel for the petitioner submits that petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner, by referring to paragraph no. 13 of the present petition, has further submitted that no loss has been caused to the State Government, inasmuch as no fund was ever released to the School in question, pursuant to the aforesaid letter issued by the Director, Primary Education Department, Government of Bihar, Patna dated 29.12.2021. It is also submitted that the petitioner is ready to join investigation, hence, she be granted the privilege of anticipatory bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that though the petitioner had



sought funds by referring to the aforesaid letter issued by the Director, Primary Education Department, Government of Bihar, Patna, for payment of salary to the teachers of the Primary School in question, however, no funds have ever been released in favour of the said School, meaning thereby that the petitioner has not actually misappropriated any money, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the abovenamed petitioner, in the event of her arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st class, Muzaffarpur in connection with Mithanpura PS case no. 422 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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