

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32434 of 2023**

Arising Out of PS. Case No.-392 Year-2022 Thana- BARUN District- Aurangabad

Janeshwar Singh, aged about 64 years, Gender- Male, Son Of Late Ramdeo Singh, Resident of Village- Teri, P.S.-Barun, District-Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 21-07-2023 Heard Mr. Sanjay Kumar, learned counsel
appearing on behalf of the petitioner and Mr. Nirmal Kumar
Sinha, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Barun P.S. Case No. 392 of 2022 registered for the offence
punishable under Sections 420, 467, 468 and 471 of the Indian
Penal Code.

3. Prosecution story, in brief, is that the District
Programme Officer, Secondary Education, Aurangabad vide his
letter bearing no. 168 dated 18.02.2022 directed the informant
of his cases, i.e. Block Education Officer, Barun to institute an
FIR against the tach Chairman/ Secretary / Principal and other
members of the managing committee of the School for
appointing teachers in the school contrary to the departmental



rules and hence the FIR has been instituted.

4. Learned counsel appearing on behalf of the petitioner submitted that the Block Education Officer is the informant in the case, who has not jurisdiction to interfere with the affairs of the Managing Committee. The grant which were allotted to the petitioner's school were directly from the Education Department. No complaint was made by the Managing Committee in this regard that the petitioner has defalcated any amount. He further submitted that non of the teachers, who are employee in the school has ever complained against the petitioner that they have been not given due salary in the tenure of the petitioner, who has remained as a principal of the school from 2008 to 2015. He further submitted that out of total grant received amounting to Rs. 19,16,005/- and petitioner has been alleged to have defalcated Rs. 1,94,401/-. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the fact that non of the teachers have ever complained against the petitioner that he has not distributed the salary neither the Managing Committe has taken any action



against the petitioner, I am of the opinion that petitioner has, *prima facie*, made out a case to be enlarged on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four 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 learned C.J.M., Aurangabad in connection with Barun P.S. Case No. 392 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Niraj/Nilmani

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