

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52632 of 2023

Arising Out of PS. Case No.-260 Year-2012 Thana- JOKIHAT District- Araria

BRAJ KISHORE SINGH S/O KAMTA SINGH R/O Village- Gaura Saran,
Ward No. 8, P.S- Marhaura Saran, District- Chhapra at present upgrade
Madhya Vidyalay Fulpur Bara Kalkali, P.S- Marhaura, Jokihat, Distt.- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, Adv.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-08-2023 Heard Mr. Rajesh Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Ram Sumiran Rai, learned
A.P.P. for the State.

2. The petitioner apprehend his arrest in connection
with Jokihar (Mahalgaon) P.S. Case No. 260 of 2012, dated
08.08.2012, registered under Sections 452, 380, 412, 414 of the
Indian Penal Code.

3. The prosecution case, in brief, is that a general
allegation petition was filed before the S.H.O., Araria,
Mahalgaon, District Araria that rice which has been allotted for
mid day meal was misappropriated by the petitioner, who was
posted as Assistant Headmaster and has now retired.

4. Learned counsel appearing on behalf of the



petitioner submits that petitioner is innocent and allegation made against him is on frivolous ground. No loss of rice has been found and petitioner has not been provided mid day meal at any point of time for the School, while he was posted as Assistant Headmaster. The District Programme Officer (mid day meal) has also not found any misappropriation to have been committed by the petitioner.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Considering the nature of allegation made against the petitioner and the fact that the records maintained by the petitioner, who was Assistant Primary Teacher, no shortage of rice has been found, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Araria in connection with Jokihat (Mahalgaon) P.S. Case No. 260 of 2012, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The Court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner



is involved in some other cases as what has been stated in paragraph no. 3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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