

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53026 of 2023

Arising Out of PS. Case No.-128 Year-2023 Thana- ITARHI District- Buxar

Yashoda Devi W/o Late Baban Singh R/o Village- Gopalpur, P.S- Itarhi,
District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Adv.

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-08-2023 Heard Mr. Ravi Shankar Pathak, learned counsel for
the petitioner and learned APP for the State.

2. The petitioner, who happens to be Secretary of the Managing Committee is apprehending her arrest in connection with Itarhi P.S. Case No. 128 of 2023 registered for the offence punishable under Section 409 of the Indian Penal Code.

3. The thrust of the allegation is that the petitioner along with the Principal of Shree Sarswati Sumitra Sanskrit-cum-Middle School, Gopalpur, has not cooperated in the inquiry and failed to handover the charge to the concerned teacher despite the specific order and also they did not produce the particular of accounts and cash book.

4. Learned counsel for the petitioner submits that so far the handing over the charge is concerned, the same is under



the domain of the Principal of the school and the petitioner has nothing to do with that. He further submits that the petitioner is a lady aged about 56 years and, in fact, the Block Education Officer wanted to give charge of Head Master to one lady teacher, namely, Satyabhama, who has already been dismissed by the Managing Committee, and as such, the dispute arose which resulted into lodging of the FIR. He next submits that even as per the FIR, there is no allegation of misappropriation of money rather it only suggests that there was no cooperation on the part of the petitioner and others during the course of inquiry. He lastly submits that the petitioner is not a government servant and thus even if the allegation is taken to be true, no offence under Section 409 of the I.P.C., is made out.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of accusation and the fact that the petitioner is a lady, who has been holding the post of Secretary of the Managing Committee, having fair antecedent, let the above named petitioner, be released on bail, in the event of her 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 J.M. 1st Class, Court No. 14, Buxar in connection with Itarhi P.S. Case No. 128 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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