

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41012 of 2024

Arising Out of PS. Case No.-329 Year-2013 Thana- DAUDNAGAR District- Aurangabad

Brajkishore Singh (HEADMASTER) Son Of Late Tulsi Singh Resident Of
Village - Akauni, P.S. - Daudnagar, District - Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Malti Kumari, Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 13-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Daudnagar P.S. Case No. 329 of 2013 registered for the alleged offences under Section 409, 379 and 411 of the Indian Penal Code.

03. As per prosecution case, certain school employees were found involved in selling the rice of Mid Day Meal and the public intercepted one such vehicle taking out the rice. Petitioner was made accused as he has been working as Headmaster of the school concerned and it was alleged that he was also complicit in selling the rice of Mid Day Meal.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case.

Whole prosecution story is false and concocted. Petitioner has no role in the alleged occurrence as at the relevant time and date petitioner was on leave. Police investigated the matter but did not find involvement of the petitioner and submitted final form on 19.12.2013 showing the petitioner to be innocent. However, after ten years the learned Sub-Divisional Judicial Magistrate took cognizance against the petitioner differing from the report submitted by the police. Learned counsel further submits that from bare perusal of the F.I.R. no offence under Section 409, 379 and 411 of the Indian Penal Code is made out against the petitioner. The apprehended co-accused did not name the petitioner for any wrong doing. The petitioner has got no criminal antecedent. Learned counsel further submitted that petitioner has retired in the year 2016 and there has been no allegation during his entire career.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner. Learned A.P.P. submits that being the Headmaster the involvement of the petitioner is apparent.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the the lack of substantive material against the petitioner to connect him with the offences as alleged and further considering the possibility of false accusation, let the petitioner above named, in the event of

his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of learned S.D.J.M., Daudnagar in connection with Daudnagar P.S. Case No. 329 of 2013, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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