

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45764 of 2024

Arising Out of PS. Case No.-17 Year-2019 Thana- BARGAINIA District- Sitamarhi

Md. Shakeel Haider Siddiqui, male, aged about 50 years, S/O Late Ijrail Siddiqui, R/O- Village- Mahuawan, P.S- Dhaka, Distt.- East Champaran at Motihari, the then Headmaster, Middle School, Patahi, P.S- Bairgania, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pushpendra Kumar Singh, Advocate Ms. Divya Bharti, Advocate
For the Opposite Party/s	:	Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-08-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Bairgania PS Case No.17 of 2019 dated 15.01.2019, instituted
under Sections 420, 409 of the Indian Penal Code.

3. The allegation against the petitioner is that he being
the Headmaster of Middle School, Patahi, Bairgania, was given
advance of Rs.12 lakhs in the financial year 2014-15 for
construction of three additional class rooms but he has
completed the construction work only worth Rs.1,26,216/-. For
the remaining work, he was reminded in the departmental
meeting but even then the work was not completed. Thus, the



government money has been misappropriated.

4. Learned counsel for the petitioner submits that he is innocent and he has been falsely implicated in this case. It is also submitted that the petitioner has completed construction of two class rooms and thereafter on 19.07.2018 he was taken into judicial custody in a complaint case instituted by his wife under Sections 498-A and other sections of the Indian Penal Code. He was bailed out on 15.10.2018. Thereafter, he again tried to start work, but in the meantime, on 04.12.2018, the measurement was done and measurement book was prepared showing work of Rs.1,26,216/-. The petitioner was put under suspension which was revoked on 21.03.2023 and thereafter the petitioner deposited Rs.8,63,908/- in the account of the School Education Committee. The petitioner submitted his application to the District Programme Officer, Sitamarhi, informing him that he could not construct one class room due to non availability of land and he is ready to refund the amount. The District Programme Officer calculated the recoverable amount and directed the petitioner to deposit Rs.8,63,908/- in account of School Education Committee vide his letter No.2644 dated 24.12.2021. Lastly, it is submitted that the one criminal case is pending against the petitioner.



5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi, in Bairgania PS Case No.17 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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