

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67668 of 2024

In
CRIMINAL MISCELLANEOUS No.82714 of 2023

Arising Out of PS. Case No.-37 Year-2015 Thana- SINDHIYA District- Samastipur

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1. Md. Badrul @ Shekh Badrul Son of Shekh Hamid Resident of Village - Bharihar, P.S. - Singhia, District - Samastipur
 2. Tabrej @ Tabrej Alam Son of Moti Rahaman Resident of Village - Bharihar, P.S. - Singhia, District - Samastipur
 3. Kuddus @ Abdul Kuddus Son of Seokh Salim Resident of Village - Bharihar, P.S. - Singhia, District - Samastipur
 4. Samse Alam @ Samse Ajam Son of Shekh Ismail Resident of Village - Bharihar, P.S. - Singhia, District - Samastipur
 5. Shamsad @ Mohammad Samsad Alam Son of Samaser Alam @ Samser Aam Resident of Village - Bharihar, P.S. - Singhia, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

. ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 10-02-2025 Heard Mr. Vinay Kumar Mishra, learned counsel

appearing on behalf of the petitioners and Mr. Ajit Kumar,

learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Singhia P.S. Case No. 37 of 2015 registered for the
offence(s) punishable under Sections 143, 341, 342, 323, 385,
354, 353, 379 and 504 of the Indian Penal Code.

3. As per the allegation made in the FIR, the
petitioners were creating obstruction in discharging of official



duty and had also demanded a sum of Rs.5,000/- from the informant. Informant is the principal of a school, namely, Primary School Bharihar (Maktab).

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case just because a public petition was filed before the Director, Primary Education, Bihar by some of the villagers, including the petitioners. It is the case of the petitioners that headmaster of the school is of the same village in which the petitioners reside and due to village politics, the villagers, who are against the petitioners, have supported the allegation made in the FIR. Learned counsel submitted that in course of investigation, the investigating officer can only be said to be influenced by the persons, who have been able to influence the headmaster to lodge a frivolous FIR against the petitioners. It is also submitted that mass scale irregularities were committed by the principal by extorting money from poor students, who were deprived of even Mid Day Meal provided to the primary students in accordance with the Right to Education. On these grounds, learned counsel seeks bail on behalf of the petitioners.

5. *Per contra*, learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail. He submitted that



the District Programme Officer (Education) has filed counter affidavit in place of District Programme Officer (Mid Day Meal) and it has been informed that all the office records and MDM materials were stolen in the night on 21.08.2015, for which the headmaster has lodged an FIR bearing Singhia P.S. Case No.150/2015. He, however, submitted that in view of the fact that investigation still has not been completed, the petitioners' prayer for anticipatory bail is fit to be rejected.

6. Having considered the rival submissions made on behalf of the parties, as well as, considering the manner in which the State Government officials act in implementation of several schemes run by the Central Government, as well as, the State Government, it appears that the same has resulted into misappropriation of huge money. Present is one example, which has led to lodging of the FIR by the principal of the institution concerned allegedly under the influence of the supporting villagers that the poor children are deprived of their right. I find such large scale misappropriation is not possible without indulgence of the District Programme Officer(s), Mid Day Meal, Education as well as, the Establishment including the Block Education Officers and the District Education Officers. This Court refrains from passing any order but direct the State



authorities to check such mass scale misappropriation of fund, which deprives the students who are undernourished and the whole purpose of the scheme is frustrated, considering that they are themselves responsible to check such illegality committed at different levels. It is informed that the charge-sheet has already been submitted on 28.04.2015.

7. In the facts and circumstances of the case, as well as the nature of allegation made against the petitioners, I am not inclined to grant pre-arrest bail to the petitioners. Accordingly, the present bail application stands dismissed.

8. However, the petitioners, if so advised, may surrender before the learned District Court and seek regular bail.

9. Let a copy of this order be communicated to the Additional Chief Secretary, Education Department, Government of Bihar.

(Purnendu Singh, J)

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