

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74136 of 2024

Arising Out of PS. Case No.-53 Year-2024 Thana- DEV District- Aurangabad

1. Narendra Kumar @ Narendra Prasad Son of Sri Durga Prasad Resident of Village - Karhara, P.O. - Kanbehari, P.S. and District - Aurangabad (Bihar), at present posted Headmaster-in-charge, Raja Jagannath Higher Secondary School, Deo, P.S. - Deo, District - Jehanabad (Bihar)
2. Dilip Kumar @ Dileep Kumar Son of Sri Devi Singh Resident of Village and P.O. - Raunia, P.S. - Khizersaraim, District - Gaya (Bihar), at present Posted Junior Engineer, Bihar Education Project at District - Vaishali (Bihar)
3. Pramod Kumar Son of Sri Ramswaroop Singh Resident of Village and P.O. - Kako, P.S. - Kako, District - Jehanabad (Bihar), at present Posted Assistant Engineer, Bihar Education Project at District - Begusarai (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Purushotam Sharma, Adv.
For the State	:	Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 11-08-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 406, 409, 420, 34 of the Indian Penal Code.

3. The case of the prosecution is that the petitioners have embezzled an amount of Rs. 7,50,125/-, by committing various types of irregularities, which was allotted to them for the construction work in the school. This was found by a three-member team constituted by the District Officer, Aurangabad and the present FIR has been lodged by the Block Education Officer.



4. Learned counsel for the petitioners submits that the present petitioners are the In-charge Headmaster, Junior Engineer and Assistant Engineer, respectively who were to complete the construction work as against the allotted amount. It is further submitted that the payments were made to the petitioners under different Heads and that too the entire payment was not made by the authorities and it is also not the case of the prosecution that no work has been done against the allotment of funds. By filing a supplementary affidavit, the petitioners have brought on record an information sought under the RTI regarding the amount which has been given by the department to the school for the work under the said scheme, which is annexed as Annexure-P/8 and a perusal of the same would go to show that an amount of Rs. 28,96,054/- was sanctioned for payment as the first installment. It is also submitted on behalf of the petitioners that the construction work in lieu of the payment receipt has been done and even as per the joint investigation report, it has been indicated that some extra work has been done for which there was no sanction and some work remained incomplete against which the funds was sanctioned.

5. Learned APP for the State, however, opposes the prayer for anticipatory bail and points out to the different reports of the



joint committee to show that despite receiving amounts under the scheme, the estimated work has not been completed, thus, causing loss to the government exchequer.

6. Taking into consideration the fact that the petitioners are government servants and as such, would not evade the process of law and also considering the fact that the entire case is document based, let the petitioners, above named, having no criminal antecedent, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Deo P.S. Case No. 53 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023 and further to the condition that the petitioners would fully cooperate in the investigation/trial.

(Soni Shrivastava, J)

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