

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16358 of 2026**

Arising Out of PS. Case No.-114 Year-2025 Thana- PARIHAR District- Sitamarhi

Ata Karim S/o- Md. Muslim R/v- Ramkhetari Ps- Aurai Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 17155 of 2026

Arising Out of PS. Case No.-114 Year-2025 Thana- PARIHAR District- Sitamarhi

Udaynanad Sharma Son of Late Jharilal Sharma Resident of Village -
Samsipur Ward No.- 02, Police Station - Bachhawara, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 16358 of 2026)

For the Petitioner/s : Mr. Arinjay Kumar, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

(In CRIMINAL MISCELLANEOUS No. 17155 of 2026)

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

4 24-06-2026 Since both the matters are arising out of the same P.S.

case and, as such, with the consent of the parties, the same are

being heard together and disposed off by the common order.

Heard learned Advocate for the petitioner and the
learned Advocate for the State.

2. The petitioner apprehends his arrest in connection
with Parihar P.S. Case No. 114 of 2025, registered for the



offences punishable under Sections 316(5), 318(4) and 3(5) of the B.N.S., 2023.

3. The allegation against the petitioners is of misappropriation of the official fund of Gandhi High School, Parihar while working as Headmaster and in-charge Headmaster of the school respectively. It is alleged that the petitioner in Criminal Miscellaneous No. 16358 of 2026 has withdrawn an amount of Rs. 28,922/- while working as Headmaster of the school; whereas petitioner in Criminal Miscellaneous No. 17155 of 2026 namely, Uday Nand Sharma has defalcated an amount to the tune of Rs. 1,31,935/- while working as incharge Headmaster of the school.

4. Learned Advocate appearing on behalf of the petitioner submits that so far the petitioner of Criminal Miscellaneous No. 16358 of 2026 is concerned, the amount in question was withdrawn from student fund and the same had been spent for conducting examination and other official works. The alleged withdrawal is said to be a defalcation only because of the fact that there was no departmental audit report and it is said that cash withdrawal is not permissible. Though the Letter No. 467 dated 05.02.2026 issued by the District Education Officer, Sitamarhi clearly suggests that for the purposes of



conducting examination and supervision of the same, the payment shall be made in cash. This letter has also been issued in connection with the present case and further taken note of in paragraph no. 184 of the case diary. The copy of the said letter has been placed over and taken on record.

5. It is further submitted that so far the petitioner in Criminal Miscellaneous No. 17155 of 2026 is concerned, the entries pertaining to transaction dated 09.02.2024 would clearly reveal that the petitioner withdrew amount of Rs. 49,805/- and Rs. 82,130/- which were duly utilised towards expenses incurred in connection with practical examination and intermediate examination. Detail has been given in paragraph no. 6 of the bail application. It has been further contended that the entire case is based upon the documentary evidence and both the petitioners are ready to cooperate with the proceedings. The petitioners have superannuated blamelessly and there had never been any departmental or criminal proceedings. The petitioners have had absolutely fair antecedent but the present case.

6. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application and submits that the report of the Block Education Officer based upon which the FIR has been instituted clearly reveals that as to how the



petitioners were involved in misappropriation of the school fund. Since the petitioners have embezzled the public money and thereby caused loss to the Government Exchequer, they do not deserve the privilege of the anticipatory bail.

7. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the materials available on record and collected during the course of investigation which prima facie demonstrate as irregularities in discharging the duties while working as Headmaster and in-charge Headmaster of the school respectively, coupled with the fact that petitioners have already been superannuated. The entire accusation is based on documentary evidence and the petitioners are ready to cooperate in the proceedings of the case, beside their fair antecedent, let the petitioners above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (ten thousand) with two sureties of the like amount **each** to the satisfaction of the learned Additional Chief Judicial Magistrate, Sitamarhi in connection with Parihar P.S. Case No. 114 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya



Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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