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**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28405 of 2020**

Arising Out of PS. Case No.-172 Year-2016 Thana- KATEYA District- Gopalganj

Shailish Kumar, aged about 36 years (Male), Son of Ambika Singh @
Ambika Prasad Resident of Village- Barhara, P.S.- Gopalpur, District-
Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Harendra Prasad, Advocate
For the Opposite Party : Mr.Parmeshwar Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER**

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2 18-01-2021

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor appearing on behalf of the State.

The petitioner is apprehending arrest in connection
with Kateya P.S. Case No. 172 of 2016 for offences under
Section 409/34A of the Indian Penal Code.

Primarily, the job of a teacher is to impart education
to the students but unfortunately, in the State of Bihar, the
authorities of the Education Department have relegated them to
the level of Contractor to complete the construction work of the
school building and discharge other responsibilities, instead of
imparting education. Now teachers are made accused with
allegation that the fund allotted to the teacher/headmaster was
not properly utilized and therefore the petitioner has been made



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accused in the present case.

In the circumstances, the Court is of the view that the petitioner deserves privilege of anticipatory bail. The authority before fixing any criminal accountability shall consider the question of fixing responsibility on those who relegated the teachers to contractor.

Considering the aforesaid this Court is inclined to grant privilege of anticipatory bail to the petitioner. Let petitioner, above-named, in the event of arrest or surrender within one month from today, be released on bail on furnishing bail bond of Rs. 50,000/- (Rupees fifty thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gopalganj in connection with Kateya P.S. Case No. 172 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Upadhyay, J)

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