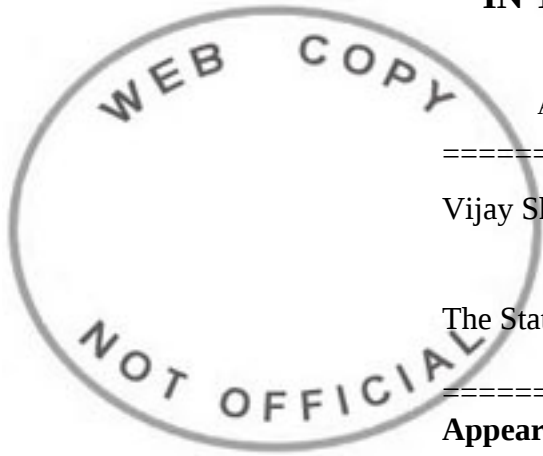




IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9981 of 2015

Arising Out of PS.Case No. -123 Year- 2014 Thana -DHANSOI District- BUXAR

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Vijay Shankar Singh Son of Kapildeo Singh
..... Petitioner/s

Versus

The State of Bihar
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 22-04-2015 Heard learned counsels for the petitioner and the State.

The petitioner being the Panchayat Secretary is apprehending arrest in a case registered for the offences punishable under Sections 409/420/34 of the Indian Penal Code.

It is alleged that the petitioner being the Panchayat Secretary in collusion with Panchayat Mukhiya and another Panchayat Secretary misappropriated government money with regard to installation of solar lights. Solar lights were purchased from the agency other than Beltron and BRED A in spite of resolution no. 1296 dated 23.02.2007 and 930 dated 05.09.2012

issued by the Finance Department, Govt. of Bihar and misappropriated Rs.19,17,300/-.

It is submitted by learned counsel for the petitioner that purchase was approved by the Gram Sabha of the Panchayat and at the relevant time when purchase was made no letter of finance department was circulated to the panchayat and in other case, with similar accusation, the petitioner has already been granted bail. It is further submitted that the purchase was not only approved by the Gram Sabha of the Panchayat but also by the District Magistrate, a statement to this effect has been made at paragraph 10 of the petition, which reads as follows:-

"10. That it is further humbly stated and submitted on behalf of the petitioner that the Solar Lights which have been installed in the Panchayat at Kharhana, were purchased and installed on the approval of Gram Sabha of the Panchayat, which was approved by the District Magistrate also. Hence no allegation can be levelled against the petitioner with regard to any irregularity because such execution was with the approval of the District Magistrate himself."

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten

thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Buxar in connection with Dhansoin P.S. Case No.123 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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