

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41180 of 2015

Arising Out of PS.Case No. -164 Year- 2014 Thana -RAJAPAKAR District- VAISHALI(HAJIPUR)

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1. Raghunath Bhagat, aged about 54 years, son of Punit Bhagat, resident of Village- Mustafapur, P.S-Bidupur, District- Vaishali.
 2. Rama Singh @ Rama Prasad Singh aged about 55 years, son of Late Chandarkesh Singh, resident of Village- Rahimapur, P.S.- Bidupur, District- Vaishali.

Both Ex-Panchayat Secretary, Andarwara, P.S.- Raja Pakar, District- Vaishali

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mithlesh Kumar Gupta

For the Opposite Party/s : Mr. Abhay Kumar Roy (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 07-10-2015

Heard learned counsels for the petitioners

and the State.

The petitioners being the Ex and present Panchayat Secretaries of Andarwara Panchayat in the district of Vaishali are apprehending their arrest in a case registered for the offences punishable under Sections 406, 409 and 420/34 of the Indian Penal Code.

The prosecution case is of purchasing of 26 solar lights in the financial year 2009-10 at the higher rate than the prescribed rate of rs.31,492/- and thereby misappropriated Rs.3,53,392/- when the prescribed rate was intimated to the Panchayats through letter of D.D.C. dated 27.02.2007.

It is submitted by learned counsel for the petitioners that for the purchase made in the year 2009-10, the FIR was lodged in 2014 and there is nothing on record to suggest that the prescribed rate was intimated to the Panchayat prior to the purchase and with similar accusation in other Panchayats, the Panchayat Mukhiyas have been granted anticipatory bail.

Considering the delayed lodging of the case and the fact that there is no accusation that the solar lights were not installed, let the above named petitioners be released on anticipatory bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Raja Pakar (Barathi O.P.) P.S. Case No. 164 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

DKS/-

(Dinesh Kumar Singh, J)

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