

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37234 of 2015

Arising Out of PS.Case No. -126 Year- 2014 Thana -AGIAUN District- BHOJPUR

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1. Sheojee Singh @ Sheojee Prasad Singh, Son of Late Sheodip Singh, resident of village- Baruna, P.S.- Narayanpur, District- Bhojpur, Arrah. At Present posted as Panchayat Sachiv, Block- Garahni, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parmatma Singh

For the Opposite Party/s : Mr. Bhanu Pratap Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 21-09-2015

Heard learned counsels for the petitioner and the State.

Petitioner being Panchayat Secretary is apprehending his arrest in a case registered for the offences punishable under Sections 406, 420, 409, 34 of the Indian Penal Code.

The prosecution case is of misappropriation of Rs. 4,80,240/- in the Kurkuri panchayat.

It is submitted by learned counsel for the petitioner that vide Memo No. 2534 dated 05.11.2012 the Block Development Officer, Ara directed all the Panchayat Secretaries and Mukhiyas to purchase the solar lights from Akshay Urja Shop, Kamal Tola Smriti Ara or Aditya Solar Shop, Maurya Complex, Patna. The government rate for the installation of

solar light was Rs. 26,915/- each and altogether 16 solar lights in Kurkuri Gram Panchayat were installed at the rate of Rs. 26,680/-. Hence total amount of Rs. 4,26,880/- was spent for the installation of 16 solar lights against the total sanctioned amount of Rs. 5,31,932/- and the balance amount was deposited in the account of Kurkuri Gram Panchayat. Hence solar lights were installed at lower rate than the prescribed rate of the government. Moreover there is nothing on record to suggest that solar lights were not installed or there was any defect in the solar lights. It is further submitted that Panchayat Mukhiya of Kurkuri Gram Panchayat has been granted anticipatory bail vide Cr. Misc. No. 661 of 2015.

A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Arrah in connection with Agiaon(Garahni) P.S. Case No. 126 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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