

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.47758 of 2014**

Arising Out of PS.Case No. -102 Year- 2013 Thana -PIRO District- BHOJPUR

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1. Bhagat Tej Naraian Prasad S/o - Sri Surya Deo Prasad R/o Village - Jag Deo Nagar Boiliya Road Sasaram, P.S. - Sasaram, District - Rohtas.  
2. Manoj Kumar S/o - Sidhnath Gupta Panchayat Rojgar Sewak Amai, Piro Permanent resident of Village - Tenduni, P.S. - Bikramganj, District - Rohtas.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rajiva Ranjan

For the Opposite Party/s : Mr. Ajay Kumar 2 (App)

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL**  
**ORAL ORDER**

3      29-06-2015      Heard Mr. N.K. Agrawal, Senior Advocate for the petitioners and the APP for the State.

Petitioner no. 2 is the informant turned accused of Piro (Hasan Bazar) P.S. Case No. 102 of 2013 registered under Sections 409, 420, 504 and 506 of the Indian Penal Code.

During the relevant time when the work under the two schemes taken under MNREGA were executed in the village in question, petitioner no. 1 was serving as the Junior Engineer whereas petitioner no. 2 was serving as the Rojgar Sewak. Allegation precisely is that under scheme No. 7/2011-12 and 08/2011-12, the payments were made in excess of the work which was entered in the Measurement Book. In sum and substance, the petitioners committed illegality and committed misappropriation



in the sum of Rs. 54,000/- and odd. One of the contentions of the petitioners is that investigation report initially supported the case made out by the petitioner no. 2. Subsequently, the investigating agency found culpability of the petitioners and the ex-mukhiya of the said Gram Panchayat namely Sri Bhagwan Singh who has since been released on anticipatory bail by order dated 2.12.2014 passed in Cr. Misc. No. 29016 of 2014.

Learned APP, on the other hand, referring to the case diary, points out that it was the petitioners who continued during the entire execution of the work and committed the misappropriation of fund. Several labourers who worked under the scheme have also alleged against the petitioners specifically.

Considering the fact that one of the co-accused Sri Bhagwan Singh has since been released on anticipatory bail, in the event of arrest or surrender in the Court below within four weeks, the petitioners abovenamed are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Ara in Piro (Hasan Bazar) P.S. Case No. 102 of 2013 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioners.

(ii) In case of framing of charge, the petitioners shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioners and secure their arrest in accordance with law.

(iii) Along with the bail bond, each petitioner shall deposit a sum of Rs. 10,000/- either with the Nazarat or through demand draft/bank draft favouring the Collector, Bhojpur without prejudice to their right and defence. In case the amount is deposited by each of them in Nazarat, the Collector or any person authorized in this behalf shall be entitled to withdraw the same.

Pankaj/-

**(Kishore Kumar Mandal, J)**

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