

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.597 of 2015

Arising Out of PS.Case No. -128 Year- 2013 Thana -BHAGWANPUR District-
VAISHALI(HAJIPUR)

=====

1. Mayanand son of Shri Indra Kumar Prasad, resident of village-
Ataunatur, Ward No. 13, Post- Lalganj, P.S.- Lalganj, District- Vaishali

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Satyabir Bharti

For the Opposite Party : Mr. Dilip Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 03-07-2015

Heard both sides.

Petitioner apprehends his arrest in connection with
Bhagwanpur P.S. case no. 128 of 2013, registered under Section
353, 406 and 409 of the IPC

Petitioner, during the relevant period of time was
posted as Panchayat Rojgar Sevak (PRS). Under the MANREGA
different schemes were executed in block in question. He is
alleged to have committed serious financial irregularity and
misappropriated the fund allotted under those schemes. The
allegation is that some of the schemes were executed half-
heartedly and in some of the schemes there was no execution at all
and payments were made.

Learned counsel for the petitioner with reference to
the enquiry report submits that admittedly there is some

discrepancies in the FIR and the enquiry report inasmuch as under the scheme no. 62 of 2011-12 a sum of Rs. 500/- was only advanced . It is also contended that the entry in the measurement book is the responsibilities of the Junior Engineer who has failed to perform the same for which the petitioner cannot be penalized. Before filing the FIR, he has already made over the charge of the office of the Panchayat Rojgar Sevak of the block/panchayat.

In the submission of the counsel, the allegation of misappropriation of the fund in the light of the statements made in the supplementary affidavit is not more than Rs. 3.275 Lakhs. He has drawn attention of this Court to diverse documents which indicate that some of the schemes were partly executed. On instruction, he states that for securing the privilege of anticipatory bail, the petitioner would be depositing a sum of Rs. 1,00,000/- (One Lakh) with the District Rural Development Authority, Vaishali (For short 'the DRDA, Vaishali') as the matter is yet to be further examined and actual loss, if any, is to be ascertained.

Considering the submissions, I am persuaded to extend the privilege of anticipatory bail to the petitioner on payment of a sum of Rs. 1,00,000/-(One Lakh) to the informant and/or the office of the DRDA, Vaishali which shall be without prejudice to the right and defence of the parties. Let the petitioner, named above, in the event of his arrest/surrender before the

learned Court below within a period of four weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Vaishali, in connection with Bhagwanpur P.S. case no. 128 of 2013, subject to the condition as laid down under Section 438(2) of the Cr.P.C. with further following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) Along with the bail bonds the petitioner shall produce a demand draft of a sum of Rs. 1,00,000/(One Lakh) favouring the informant or appropriate authority of the DRDA, Vaishali and/or receipt showing deposit of the aforesaid amount with the DRDA, Vaishali.

It is made clear that the deposit so made shall be without prejudice to the right and defence of the parties.

(Kishore Kumar Mandal, J)

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