

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38626 of 2014

Arising Out of PS.Case No. -34 Year- 2014 Thana -RAJAPAKAR District- VAISHALI(HAJIPUR)

Rakesh Kumar, son of Sakal Roy @ Uday Bahadur Singh, Resident of
Village - Bhathadasi, P.S. - Rajapakar, Distt. - Vaishali (Hajipur)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.41627 of 2014

Arising Out of PS.Case No. -34 Year- 2014 Thana -RAJAPAKAR District- VAISHALI(HAJIPUR)

1. Smt. Sheela Devi W/o - Late Nathuni Thankur, Resident of Village -
Bhathadasi, P.S. - Rajapakar, Distt. - Vaishali (Hajipur)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.38626 of 2014)

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Mr. Uday Chandra Pd.(App)

(In Cr.Misc. No.41627 of 2014)

For the Petitioner/s : Mr. Vinod Kumar

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

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

4 23-07-2015 Both the applications arise out of Rajapakar P.S.

Case No. 34 of 2014 and as such, they have been heard together

with the consent of the parties.

Heard the Counsel for the petitioners in both the
cases and Mr. Dayal, APP, for the State.

Petitioner of Cr. Misc. No. 38626 of 2014 is alleged
to be the supplier of the solar lights in the Panchayat in question

whereas the petitioner of Cr. Misc. No. 41627 of 2014 is the Mukhiya of the said Gram Panchayat.

Allegation is that under certain programme/project, 12 solar lights of specific make with supporting service was/were required to be installed in the concerned Gram Panchayat. The accuseds connived together and installed solar lights of inferior quality. Many of them were not found functional. In this background, the Block Development officer lodged the case against the petitioners and others under Sections 406, 409, 420 and 120B/34 of the Indian Penal Code.

Contention of the petitioners is that F.I.R. has been lodged belatedly after expiry of more than five years. Referring to the communication of the Deputy Development Commissioner, it has been submitted that the responsibility was to be fixed in the event of default in execution of the work on the supplier or on the Block Development Officer who in the present case is the first informant. Several accused persons of identical nature have since been released on anticipatory bail. One of the orders has been enclosed along with the bail application.

Learned APP, on the other hand, submits that petitioners connived together got installed solar lights of inferior quality which surfaced in course of investigation.

Considering the facts and circumstances of the case, 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, Vaishali at Hajipur in Rajapakar P.S. Case No. 34 of 2014 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) Along with the bail bond, the petitioners shall deposit by way of demand draft favouring the Deputy Development Commissioner, Vaishali in the sum of Rs. 20,000/- each. Such payment made by the petitioners shall be without prejudice to their right and defence in the present case.

(Kishore Kumar Mandal, J)

Pankaj/-

U		T	
---	--	---	--