

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39975 of 2015

Arising Out of PS.Case No. -179 Year- 2014 Thana -RAJPUR District- BUXAR

1. Baikunth Nath Singh s/o late Bansdhar Singh Resident of Village- P.s Gahmar(Uttar tola), P.s Gahmar, District Gajipur,(U.P.) then Panchayat Secretary of the Barupur Gram Panchayat.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashwini Kumar Rai, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-10-2015

Heard learned counsel for the petitioner and the State.

The petitioner being the Panchayat Sevak is apprehending his arrest in a case registered for the offences punishable under Section 409 of the Indian Penal Code.

The prosecution case as per the written report of the Block Panchayat Raj Officer, Rajpur is to the effect that under the 12th and 13th Central Finance Plan, the solar lights were installed in different Panchayats of the State of Bihar. Subsequently, the District Magistrate, Buxar directed for enquiry with regard to irregularities committed in installation of solar lights in different Panchayats in the District of Buxar. In pursuance to



directions issued by Patna High Court in a Public Interest Litigation i.e. Citizen Rights Forum Versus The State of Bihar (C.W.J.C. No. 21443 of 2012), subsequently the Block Development Officer, Rajpur conducted the enquiry and submitted the enquiry report to Block Panchayat Raj Officer. During enquiry it was found that as per the departmental instruction, solar equipments were not purchased from BREDA authorized agencies. The purchase were made on higher rates than the rates prescribed. Such purchase were made with intention to defalcate the fund. The upkeeps of the solar lights were not done properly. The vouchers and the records of the scheme were not properly maintained and thereby in the different Panchayats of Buxar District Rs. 91,53,176/- were misappropriated, whereas the petitioner being Panchayat Sewak of Barupur Panchayat in league with Panchayat Mukhiya misappropriated Rs. 5,03,976/-.

It is submitted by the learned counsel for the petitioner that the First Information Report does not reflect the year of the installation of the solar lights. There is nothing on record to suggest that there were specific direction for purchase of the solar lights from BREDA or the agency authorized by BREDA. Moreover, vide letter no. 1214 dated 13.11.2006 the BREDA authorized to purchase the solar equipments from BHEL/CE/LBEL/TATA. The solar lights of Tata B.P. Company

were installed which is an approved company by BREDA. There is nothing on record to suggest that the solar lights were not installed or the solar lights were not functioning. The Panchayat Mukhiya Sri Mithilesh Kumar Paswan has been granted anticipatory bail vide Cr. Misc. No. 14866 of 2015.

Considering the aforesaid facts, let the above named petitioner be released on bail in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Rajpur P.S. Case No. 179 of 2014, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

(Dinesh Kumar Singh, J)

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