

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52204 of 2015

Arising Out of PS.Case No. -89 Year- 2014 Thana -JOKIHAT District- ARRARIA

1. Balram Prasad son of Chedi Mandal, resident of village- Lalpatti, Police Station- Pipra, District- Supaul, the then Panchayat Secretary of Chainpur Masuriya Gram Panchayat, Police Station- Mahalgaon, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Satyaverat Verma (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 02-12-2015 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Jokihat (Mahalgaon) P.S.Case No. 89 of 2014 registered for offences punishable under Sections 420, 406, 409, 467, 471/34 of the Indian Penal Code.

The prosecution case instituted on a written report of the informant Md. Firoz, B.D.O., Jokihat, Araria against one Sadique Alam, the Ex-Mukhiya of Gram Panchayat, Chainpur Masooria and the petitioner, the Secretary of the Panchayat. As it appears, under the scheme of B.R.G.F. Solar Lights were to be installed at several places in the concerned panchayat. It is alleged

that the solar lights was purchased on quotations of agencies and not through tender. The further allegation is that the money was withdrawn but the solar lights were not installed at some places. The petitioner and the co-accused Sadique Alam committed serious irregularities in the work of installation of solar lights and misappropriated the government money.

It appears that before institution of the case, an enquiry was made into the matter by a Committee consisting of Circle Officer, B.D.O., Jokihat, the S.D.O. and D.R.D.A., Araria and it was found that at several places solar lights were not installed while the money had been withdrawn.

It has been submitted by the learned counsel for the petitioner that the petitioner has not committed any irregularity and the present F.I.R. has been lodged after six years of the alleged occurrence.

Be that as it may, the above named petitioner, undertakes to deposit total Rs. 3 lakhs, out of which Rs. one lakh will be deposit within one month from today, Rs. one lakh will be deposited after two months thereafter and third installment of Rs. one lakh will be deposited within a period of six months from today. Thus on the undertaking of the petitioner aforesaid, in the event of his arrest or surrender before the Court below within a

period of eight weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Araria in connection with Jokihat (Mahalgaon) P.S.Case No. 89 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr. P. C.

It may further be noted that since the petitioner is an accused in two more cases bearing Jokihat (Mahalgaon) P.S.Case No. 10/2013 under Sections 467, 468,469, 420, 406, 409/34 of the Indian Penal Code and Jokihat (Mahalgaon) P.S.Case No. 35 of 2013 under Sections 406, 409, 420, 467, 468, 469, 471/34 of the Indian Penal Code. If the petitioner is involved in a case of similar nature in future, the learned court below will be at liberty to cancel the bail bonds of the petitioner.

(Nilu Agrawal, J)

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