

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39067 of 2014

Arising Out of PS.Case No. -117 Year- 2014 Thana -MAIRWA District- SIWAN

Rajniti Kumar sonof Late Bhajan Saw, R/o village- Alwa, P.S.- Parwalpur,
District-Nalanda, at Present Junior Engineer (MANREGA), Prakhand
Mairwa, District- Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.41400 of 2014

Arising Out of PS.Case No. -117 Year- 2014 Thana -MAIRWA District- SIWAN

03.Diwakar Tiwari Son of Baleshwar Tiwari Resident of Village -
Bishunpura, P.S. – Darauda, Distt. – Siwan.

.... Petitioner/s

Versus

03.The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.39067 of 2014)

For the Petitioner/s : Mr. Dr. Nagendra Kumar

For the Opposite Party/s : Mr. Tapeswar Sharma(App)

(In Cr.Misc. No.41400 of 2014)

For the Petitioner/s : Mr. Akhilesh Kumar

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

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 03-04-2015

Above noted both the applications have arisen out of
one occurrence i.e. Mairwa P.S. Case No. 117 of 2014 registered
for the offences punishable under Sections 467, 468, 471, 420,
409, 120B/34 of the Indian Penal Code and as such they have
been heard together and are being disposed of by this common
order.



Allegedly, in repairing work, the petitioner Rajniti Kumar being Junior Engineer (MANREGA) submitted wrong measurement book resulting the petitioner Diwakar Tiwary, Jansewak being contractor was paid Rs. 4,88,700/-. On the basis of some complaints, verification was done and during verification it was detected that amount of Rs. 1,70,310/- has been withdrawn more than actual work in collusion and in conspiracy the amount has been misappropriated.

Submission is of false implication and that it has not come as to who had made complaint and on the basis of unanimous petition inquiry was done after one year, due to rain it is possible that earth work might have been washed away and as such on the basis of inquiry report the petitioners cannot be implicated. Further in presence of the informant everything was done and after verification the payment has been made and on the measurement book the informant has also signed, and as such, the petitioners deserve sympathetic consideration to which the learned APP opposes.

Considering that the inquiry has been conducted after one year and in that inquiry it has been found that amount of Rs. 1,70,301/- has been withdrawn more than actual work, and as such, the petitioners above named of both the cases, in case of

their surrender or arrest within two months from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Mairwa P.S. Case No. 117 of 2014, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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