

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44235 of 2014

Arising Out of PS.Case No. -1 Year- 2012 Thana -ECONOMIC OFFENCE District- DARBHANGA

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1. Narendra Kumar Karn Son of Late Ganeshwar Lal Karn Resident of Village + P.O. - Simri, P.S. - Bisfi, District - Madhubani, Ex-incharge, Block Development Officer, Sighwara, Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chittaranjan Sinha, Sr. Adv.
Mr. Birendra Kumar, Adv.
Mr. Anirban Kundan, Adv.
Mr. Sanjay Kumar Singh, Adv.

For the State : Mr. P.N.Pandit(App)

For Economic Offence Unit : Mr. Vishwanath Prasad Sinha, Sr. Adv.
Mr. S.N. Srivastava, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

6 03-09-2015 Heard Mr. Chittaranjan Sinha, learned senior counsel

for the petitioner and Mr. Vishwanath Prasad Sinha, learned

senior counsel for the Economic Offence Unit.

The petitioner seeks pre-arrest bail in connection with Economic Offences P.S. Case No. 1 of 2012 registered under sections 406, 409, 420, 465, 468, 471 and 120-B of the Indian Penal Code.

It is contended that according to the FIR the petitioner was posted as Block Development Officer at Singhwara Block in the district of Darbhanga for a brief period from 05.04.2010 to 15.07.2010. According to the prosecution case,



there have been large scale irregularities in extending benefit to the beneficiaries of Indra Awas Scheme between the period 2006-07 and 2010-11. There were several other Block Development Officers posted during the relevant period in the said Block. The FIR does not disclose anything specific against the petitioner as to what kind of offence took place during the period in which the petitioner was posted at Singhwara Block. It is further contended that in respect of the irregularities alleged in the FIR, the District Magistrate, Darbhanga had also conducted an enquiry and submitted a report to the Secretary, Rural Development Department, Bihar, Patna vide letter no.3255 dated 21st October, 2013. In the aforesaid report, the District Magistrate, Darbhanga has accepted most of the explanations submitted by the petitioner in respect of the charges alleged. Lastly, it has been submitted that some other co-accused, namely, Neti Paswan, Abu Sharn, Md. Salim Akhtar Ansari, Domu Paswan and Pankaj Tiwari have already been granted the privilege of pre-arrest bail by different orders passed by this Court.

Learned counsel for the Economic Offences Unit has opposed the prayer for bail. However, he concedes that some other co-accused having more or less identical allegations have already been granted anticipatory bail by different orders passed

by this Court.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below within four weeks from today, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in connection with Economic Offences P.S. Case No. 1 of 2012 subject to the following conditions :-

- (a) The petitioner shall not influence the witnesses or tamper with any document;
- (b) At the time of furnishing the sureties, the petitioner shall furnish his address to the Court and shall not change his address till the final disposal of the case or till further orders in that regard;
- (c) The petitioner shall not leave the limits of India without prior permission of the trial Court;
- (d) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court;
- (e) The petitioner shall not do any act prejudicial to the interest of the prosecution;

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- (f) The petitioner shall receive the police report and other documents in terms of Section 207 of the Code of Criminal Procedure as and when the same is supplied to him by the Court;
- (g) The petitioner shall abide by the above conditions scrupulously and in case of violation of any of the conditions, the prosecution would be at liberty to move this Court for cancellation of bail; and
- (h) One of the sureties must be a Government servant/elected people's representative of Panchayat/ Municipality; and the other one shall be a close relative.

(Ashwani Kumar Singh, J)

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