

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46572 of 2014

Arising Out of PS.Case No. -19 Year- 2014 Thana -HULASGANJ District- JEHANABAD

Vijay Sharma, Son of Late Ram Pravesh Singh, Resident of village-
Sikariya, P.S.- Parasbigha, District- Jehanabad, At present posted as
Panchayat Secretary Manjhos and Kumadih Gram Panchayat, Anchal
Makhdumpur, District- Jehanabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Nath Singh, Advocate

For the Opposite Party/s : Mr. Anil Kumar(APP)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 04-08-2015 A supplementary affidavit has been filed on behalf of
the petitioner.

Heard learned counsel for the petitioner and the
learned counsel for the State.

The petitioner is apprehending his arrest in
connection with Hulasganj P.S. Case No.19 of 2014 for
allegedly having committed the offence under Section 409 of
the Indian Penal Code.

Learned counsel for the petitioner submits that the
only allegation against the petitioner is that he had taken
advance payment of Rs.11,56,500/- for execution of works
under MANREGA scheme but out of the same, an amount of
Rs.6,31,958/- had been spent for execution of the work and

thus he had not spent an amount of Rs.5,24,542/-. It is thus, alleged that the petitioner had defalcated the said amount.

Learned counsel for the petitioner submits that the allegation made in 2014 relates to the period 2006-07 and though the petitioner had been transferred after due issuance of L.P.C., he has now been served with charge sheet for no fault of his.

On the earlier occasion, this Court had extended, as an interim measure, the benefit that no coercive steps would be taken against the petitioner and he would have to submit his explanation before the authority. The same was duly submitted in which he has stated that in the said MENREGA scheme, it was not only he but the Junior Engineer and Mukhiya had also performed the entire exercise and it was only on the basis of the record of the entry made in the measurement book by the Junior Engineer, that payment was made in connection with the said programme. However, it was only this petitioner who had been proceeded against the same whereas Mukhiya and Junior Engineer at the relevant point of time were made to go scot-free.

Learned counsel for the petitioner submits that the petitioner had filed a representation annexing the letter dated

26.5.2011, which goes to show that the petitioner had been issued 'no dues certificate' from all concerned, which was duly issued by the Block Development Officer, Hulasganj at the time of his transfer from the said Block. Learned counsel further submits that it is only on account of internal politics that the petitioner's name has been brought into the present case at a belated stage.

Considering the aforementioned submissions and other materials available on record of this application, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of three weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad, in connection with Hulasganj P.S. Case No.19 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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