

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10646 of 2015

Arising Out of PS.Case No. -65 Year- 2014 Thana -NAUTAN District- SIWAN

1. Binay Kumar Singh Son of Sri Pashupati Nath Singh, R/o- C-201, Prasharay Apartment, Ara Garden Jagdeo Path, Bailey Road, P.s.- Rupaspur, District- Patna, presently working as Programme Officer, Barauni Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.9162 of 2015

Arising Out of PS.Case No. -65 Year- 2014 Thana -NAUTAN District- SIWAN

1. Chandan Singh S/o Late Raghav Singh Resident of Village Hasua, P.S. Nautan, District Siwan, the Mukhiya Gram Panchayat Raj nautan Block Ziradei, District Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.11810 of 2015

Arising Out of PS.Case No. -65 Year- 2014 Thana -NAUTAN District- SIWAN

1. Shamim Haidar, Son of Sri Abdul Hakim, Resident of Village- Kawe, P.S.- Bhorey, District- Gopalganj
2. Raj Kishore Rajak, Son of Sri Ram Swaroop Rajak, Resident of village- Sihuri, P.S.- Amarapur, District- Banka. The then Junior Engineer, National Rural Employment Provramme (N.R.E.P.), Zeeradei Block, District- Siwan
3. Lalan Pandey. Son of Sri Sharda Nand Pandey, Resident of village- Jigni, P.S.- Sanjhwali, District- Rohtas, the then Assistant Engineer, National Rural Employment Provramme (N.R.E.P.), Zeeradei Block, District- Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.10646 of 2015)

For the Petitioner/s : Mr. Sudhir Kumar Singh

For the Opposite Party/s : Mr. Chandra Bhushan Prasad (App)

(In Cr.Misc. No.9162 of 2015)

For the Petitioner/s : Mr. Suresh Pd Singh No.1
For the Opposite Party/s : Mr. Dashrath Mehta (App)
(In Cr.Misc. No.11810 of 2015)
For the Petitioner/s : Mr. Ajay Kumar Pandey
For the Opposite Party/s : Mr. Md.Ataur Rahman(App)

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 21-09-2015 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

The petitioners in three cases are apprehending their arrest in connection with Nautan Siwan Sadar P.S.Case No. 65 of 2014 registered under Sections 409, 420 and 120B of the Indian Penal Code. Case diary has also been received.

Learned Sr.Counsel appearing on behalf of the petitioner submit that the present prosecution has been initiated on the basis of a direction issued by this Court in a P.I.L. bearing CWJC No. 4781 of 2014 in which this Court had directed that an enquiry be conducted with regard to the commission and execution of certain MGNREGA Schemes in the Block Jeeradai, District Siwan. Pursuant to the aforementioned direction issued by this Court an enquiry was conducted in which the report was submitted in a hot haste and the said report came to be the basis of institution of the present case in which these petitioners are facing prosecution. Learned counsel for the petitioners submits that the entire report was a slipshod enquiry to escape the wrath of this Court in a MJC application and had no basis whatsoever. It is submitted that the

person who had constituted the team submitted the said report had in fact made a very slipshod enquiry and given the report and as such the FIR was lodged immediately thereafter.

Subsequently learned counsel for the petitioners submit that an in-depth enquiry was later conducted by the department in which the said Quality Monitoring Authority of the Rural Development Department, Bihar, Patna has given a detailed report with regard to the various schemes which form the subject matter of the FIR. The said report is dated 17.1.2015 contained in letter No. 05 dated 17.1.2015.

It appears from the said report that a substantial portion of the work was in fact conducted with regard to various schemes detailed thereunder. It also appears that enquiry report was submitted with regard to the scheme of the years 2008-09, 2009-10 and as such much of the mud work and other activities which had been conducted could not be substantiated after such length of time. It was further indicated in the report that at places it was the BDO concerned who had also not co-operated in the schemes and his lack interest had in fact led to much confusion. So far as the scheme relating to plantation of Trees is concerned, with regard to the said scheme it was indicated that there was a menace of Nil Gai in the area which has resulted in up-rooting the plants which had been destroyed by the herd of Nil Gais and therefore at best it

could be treated as misutilisation of the funds rather than misappropriation of the same.

After perusing the detailed said report of the Quality Monitoring Authority and considering all the materials on the record and further there being no cogent material on the record so as to implicate these petitioners, let the petitioners, above named, in the event of their arrest or surrender in the court below within a period of three weeks from the date of receipt/production of a copy of this order, the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each in connection with Nautan P.S. Case No. 65 of 2014 to the satisfaction of Sri K.K.Singh, Judicial Magistrate, 1st Class, Siwan, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

spal/-

U			
---	--	--	--