

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6926 of 2015

Arising Out of PS.Case No. -150 Year- 2011 Thana -BAHERA District- DARBHANGA

=====

1. Kailash Paswan son of Chini Lal Paswan resident of village- Belmohan,
P.s. - Phulparas, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Gopal Jha

For the Opposite Party/s : Mr. M.K. Khare(App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

4 25-06-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner apprehends his arrest in connection with
Bahera P.S. Case No. 150 of 2011 registered for the offences
punishable under Sections 409 and 420 of the Indian Penal Code.

As per the FIR, the allegation is that the petitioner
withdrew Rs. 13,94,801/- for Basuam Panchayat and Rs.
20,91,945/- for Bahera Panchayat in the financial year 2009-10
under the MANREGA scheme and in spite of several notices
issued, he did not submit the documents and fled away with all
documents such as registers, cash book, cheque book, schemes
register and other documents.

Submission is of false implication and that the



petitioner did not withdraw any amount for Bahera Panchayat and he took charge of Bahera Panchayat from one Santosh Kumar Mishra on 01.04.2010 and he did not receive a single farthing of the Bahera Panchayat in the financial year 2009-10. He tried his best to submit all the documents and papers with respect to the aforesaid schemes but due to non-fulfillment of illegal demand of the officer concerned they refused to receive the petitioner's documents and for that the petitioner has filed Complaint Case No. 239 of 2011 in the court of learned A.C.J.M., Benipur as at the Police Station FIR was not registered. The auditor has audited all the documents and difference amount after audit has already been deposited in the bank.

From the FIR it reveals that there is no allegation of misappropriation of government money and, as such, the petitioner deserves sympathetic consideration to which the learned APP opposes.

In the facts and circumstances stated above and considering the case and counter case and further that the petitioner is ready to submit all the documents and as per audit report difference amount has already been deposited and, as such, the petitioner, above named, in case of his 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 bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Benipur in connection with Bahera P.S. Case No. 150 of 2011, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

avin/-

U		T	
---	--	---	--