

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15627 of 2015

Arising Out of PS.Case No. -170 Year- 2014 Thana -POTHIYA District- KISANGANJ

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1. Kishori Rajak S/o Late Faguni Baitha R/o Chandbara Sodagodaaur Chowk, P.S. Town, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

4 01-09-2015 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner was Block Agricultural Officer, Pothiya and he was appointed as an agent to execute 33 government schemes. Accordingly, near about rupees forty one lacs and odd were paid to him as advance money but according to prosecution case, petitioner did not execute the work of altogether eleven schemes and accordingly, defalcated near about Rs. 13,75,000/-

Learned counsel appearing for the petitioner drew my attention towards Annexure-4 to the supplementary affidavit and submits that Block Development Officer, Pothia has reported to Additional Collector, Kishanganj vide his letter no. 894 dated 07.04.2015 that the petitioner made payment to petty contractors

through cheques and work to the tune of Rs. 39,40,000/- has already been completed.

Although, this Court directed the concerned official to file counter affidavit in the light of averments made in the supplementary affidavit but it appears to me that the concerned official, who has filed counter affidavit, has not denied the factum of completion of work rather he has only stated in his counter affidavit that the petitioner being government official violated the rules of the government.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that petitioner is in jail custody since 13.08.2014, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Kishanganj in connection with Pothiya P.S. Case No. 170 of 2014.

(Hemant Kumar Srivastava, J)

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