

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37240 of 2015

Arising Out of PS.Case No. -194 Year- 2014 Thana -CHARPOKHARI District- BHOJPUR

1. Sheo Gopal Ram, son of Sri Sita Ram, resident of Village- Dhanauti,
P.S.- Charpokhari, District- Bhojpur, Arrah.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmatma Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh 1 (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-09-2015

Heard learned counsel for the petitioner and the State.

The petitioner being the Panchayat Mukhiya is apprehending his arrest in a case registered for the offences punishable under Sections 409, 420, 468/34 of the Indian Penal Code.

The prosecution case is of diverting the fund of 12th and 13th Finance Commission and B.R.G.F. scheme for the purchase of solar lights during 2012-13.

It is submitted by the learned counsel for the petitioner that the accusation does not reflect quantum of diversion of fund and the actual amount alleged to have been embezzled. There is nothing on record to suggest that the solar lights were not purchased and not being found functional during enquiry. It appears that without getting any discrete enquiry

the District Magistrate has mechanically directed for lodging of First Information Report. Similarly situated co-accused persons namely Bimla Devi and Kedar Nath Mishra have been granted bail vide Cr. Misc. No. 50179 of 2014 and 12752 of 2015 respectively.

Considering the aforesaid facts, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Arrah in connection with Charpokhari P.S. Case No. 194 of 2014, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

(Dinesh Kumar Singh, J)

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