

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38722 of 2014

Arising Out of PS.Case No. -200 Year- 2013 Thana -BHANGWANPUR HAT District- SIWAN

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Ranjeet Kumar Son of Ramanand Singh Resident of Mohalla- Rikabganj,
Post Office- Tekari, Police Station- Tekari, District- Gaya the posted as
Panchayat Rozgar Sevak at Panchayat Morakhas, Police Station-
Bhagwanpur, District- Siwan (Bihar)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Purushotam Sharma

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

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 13-03-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for offence under Section 406, 409, 420/34 of the Indian Penal Code and the fact that the petitioner, being a Panchayat Rojgar Sewak, entrusted with the duty of tree plantation is alleged to have found to have been misappropriated a sum of Rs. 2,47,719/- as also the fact the aforesaid amount on demand was not deposited by him as well as another Panchayat Rojgar Sewak namely Birendra Kumar, this Court would not be inclined to grant anticipatory bail to the petitioner. The solitary defence of the petitioner that such tree plantation had been made eight months earlier prior to the lodging of the First Information Report and the petitioner was not supposed to maintain those plants specially



when he also had been transferred from that place does not impress this court because it is a matter of common knowledge that whenever a project is handover to a person, he should either make an arrangement for the upkeep of that project or in case he is transferred, he should handover the said project to his successor. The siphoning of public exchequer by a public servant is a white collar crime and the person concerned cannot have the privilege of anticipatory bail till the amount in question is properly accounted for by him. As with regard to the further defence of the petitioner that two persons, namely, Birendra Kumar and he (Ranjeet Kumar) were entrusted an amount of Rs. 2,47,719/- and Birendra Kumar has already resigned and therefore liability of Birendra Kumar cannot be transferred much less fastened on the petitioner, all that this Court can say is that if the petitioner on his volition could have deposited even of half of alleged misappropriated i.e. a sum of Rs. 1,24,000/-, he could be held to be entitled for being given privilege of anticipatory bail.

That being so, if the petitioner, namely, Ranjeet Kumar surrenders before the court below within a period of four weeks from today and even now deposits a sum of Rs. 1,24,000/-, he shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the



learned Chief Judicial Magistrate, Siwan in connection with Bhagwanpur P.S. Case No. 200 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to the following conditions:

- (i) If the petitioner shall deposit a sum of Rs. 1,24,000/- the same shall be kept in fixed deposit by the court and would abide by the result of the trial.
- (ii) That both the bailors will be a close relative of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.
- (iii) That the affidavit shall clearly state that the petitioner is not an accused in any other case and if he is, he shall not be released on bail.
- (iv) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.
- (v) That the petitioner will be well represented on each and

every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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