

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23285 of 2015

Arising Out of PS.Case No. -164 Year- 2014 Thana -RAJAPAKAR District- VAISHALI(HAJIPUR)

Rekha Devi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mithlesh Kumar Gupta

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-06-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the Ex-Panchayat Mukhiya is apprehending arrest in a case registered for the offences punishable under Sections 406, 409 and 420/34 of the Indian Penal Code.

The prosecution case is of purchasing of 26 solar lights in the financial year 2009-2010 at the higher rate than the prescribed rate of Rs.31,492/- and thereby misappropriated Rs. 3,53,392/- when the prescribed rate was intimated to the Panchayats through letter of D.D.C. dated 27.02.2007.

It is submitted by learned counsel for the petitioner that for the purchase made in the year 2009-10, the FIR was lodged in the year 2014 and there is nothing on record to suggest that the prescribed rate was intimated to the Panchayat prior to the

purchase and with similar accusation in other Panchayats, the Panchayat Mukhiyas have been granted bail.

Considering the delayed lodging of the case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Vaishali in connection with Raja Pakar Barathi O.P. Case No. 164 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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