

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16758 of 2016

Arising Out of PS.Case No. -22 Year- 2014 Thana -ROHTAS District- SASARAM (ROHTAS)

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1. Pradeep Paswan, Mukhiya Gram Panchayat Uchaila Son of Late Shyam Narayan Paswan, Resident of Village - Uchaila, P.S. - Rohtas, District - Rohtas.

2. Awadh Bihari Singh, Mukhiya, Gram Panchayat Baknaura Son of Karamdeo Singh, Resident of Village -Baknaura, P.S. - Rohtas, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

6 08-08-2016

Heard learned counsels for the petitioner and the State.

The petitioners being the Panchayat Mukhiyas of Gram Panchayat Uchaila and Baknaura respectively are apprehending arrest in a case registered for the offences punishable under Sections 420, 467, 468, 471 and 120B of the Indian Penal Code.

The prosecution case as per the FIR is that ₹3.5 lakhs and ₹2.5 lakhs under the MNREGA scheme were withdrawn from the joint account of the respective Mukhiya and Gram Sewak of Uchaila and Baknaura Gram Panchayats. The withdrawal was made with the joint signature of the Mukhiya and Panchayat Sewak namely Giriwar Lal Varun of respective Gram Panchayats. In fact, the cheque was issued with the joint signature of



respective Panchayat Mukhiya (petitioners) and Panchayat Sewak namely Girivar Lal Varun who was the Panchayat Sevak of both the Panchayats. From the respective account of both the Panchayat two cheques each of ₹2500/- were issued but with regard to Uchaila Gram Panahayat the amount of said cheque was manipulated as ₹3.5 lakhs and with regard to Baknaura Gram Panchayat the same is manipulated as ₹2.5 lakhs leading to consequential withdrawal and thereby the public funds were misappropriated.

It is submitted by the learned counsel for the petitioners that though, each petitioner was the joint signatories of one of the cheques in question but the manipulation was made by Gram Sewak Girivar Lal Varun and he is traceless since the date of withdrawal and as soon as the petitioners came to know, they filed a complaint before the Programme Officer to lodge FIR and consequently Rohtas P.S. Case No. 144 of 2013 was registered with accusation under Sections 420, 467, 468 and 471 of the IPC against Girivar Lal Varun at the instances of the petitioners.

Mr. J. N. Thakur, learned APP submits that Dy.S.P., Headquarter, Rohtas is present with the complete case diary and the case diary reflects that the withdrawal was made with the joint signature of both the petitioners being the Panchayat Mukhiya and

Panchayat Sewak namely Giriwar Lal Varun.

Considering the nature of accusation, it is a case for consideration of regular bail.

Let the learned court below consider the prayer for regular bail of the petitioners if they surrender within a period of six weeks in connection with Rohtas P.S. Case No. 22 of 2014 pending in the court of learned SDJM, Dehri, Rohtas.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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