

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17550 of 2016

Arising Out of PS.Case No. -132 Year- 2015 Thana -BARARI District- KATIHAR

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Rajiv Kumar Son of Fanindra Mohan Sah R/o Hariganj Chowk, P.S.
College Road, P.S. Katihar, Dist - Katihar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Mandal

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 26-04-2016

Heard learned counsels for the petitioner

and the State.

The petitioner being the Panchayat Rojgar Sewak is apprehending his 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 that the petitioner and other Panchayat representatives defalcated the amount for construction of road under MANREGA scheme in the year 2007-08, 2008-09. It is alleged that the petitioner that he defalcated Rs.77,045/-.

It is submitted by learned counsel for the petitioner that vigilance enquiry was conducted after three years



of completion of the said scheme and thereafter the present case has been lodged when the area was flood prone. It is further submitted that inspection of the area after three years of completion of scheme was against the settled principles and guidelines laid under the Rural Employment Guarantee Scheme, 2005. As per the guidelines contained in clause 14.10.4 of the aforesaid scheme suggests that any enquiry or inspection of the scheme has to be made within one year of the completion of the scheme. Moreover, at least 5% of the work inspections has to be made during execution of the scheme. Considering the above facts other similarly situated Md. Ismail being the Panchayat Mukhiya, Ravindra Kumar Pathak and Ved Prakash Kamal being the Panchayat Rojgar Sewak and Junior Engineer have been granted anticipatory bail vide Cr. Misc. Nos. 45415, 48938 and 51900 of 2015. Similar situated co-accused being Panchayat Ward Member namely Manorama Das has also been granted bail vide Cr. Misc. No. 46090 of 2015 by a co-ordinate Bench of this Court. Though, the petitioner is accused in one other case but he is on bail.

Considering the aforesaid facts, 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 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 Judicial Magistrate, Ist Class, Katihar in connection with Barari P.S. Case No. 132 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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