

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39019 of 2015

Arising Out of PS.Case No. -19 Year- 2015 Thana -NOORSARAI District- NALANDA
(BIHARSHARIFF)

- =====
1. Dinesh Prasad S/o Late Lala Prasad Resident of Village Ahiyapur, P.S. Noorsarai, District Nalanda, Up-Mukhia of Nadiauna Gram Panchayat, P.S. Noorsarai, District Nalanda.
 2. Sunaina Devi W/o Rampukar Choudhary Resident of Village Ahiyapur, P.S. Noorsarai, District Nalanda, Ward Member of Ward No. 7 of Village Ahiyapur, P.S. Noorsarai, District Nalanda.
 3. Shanti Devi W/o Durandan Thakur Resident of Village Kharjama, P.S. Noorsarai, District Nalanda, Ward Member of Ward No. 13 of Village Kharjama, P.S. Noorsarai, District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Amit Kumar

For the Opposite Party/s : Mr. Aditya Narayan Singh - 1(App)

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 26-04-2016 Heard learned counsel for the petitioners and learned
counsel appearing for the State.

Petitioners apprehend his arrest in Noorsarai P.S.
Case No. 19 of 2015 registered for the offences punishable under
Sections 409, 420, and 120(B) of the Indian Penal Code.

Petitioner no. 1 is the Up-Mukhiya and petitioner
nos. 2 and 3 are the ward members Nadiauna Panchayat of
Noorsarai Block at Nalanda. The present case relates to
irregularity and defalcation in the distribution of flood relief for
the victims of the aforementioned Panchayat. The allegations



against these petitioners is that certain persons who were already dead, a good number of persons who are not belonging to the Panchayat, excess payment to certain members of the Panchayat and faulty distribution/non distribution to genuine claimants, came to be the basis of the present F.I.R. The F.I.R., in the present case has been lodged by the Senior Deputy Collector/Executive Magistrate of Noorsarai, Bihar Sharif.

Learned counsel for the petitioners submit that actually these petitioners are not responsible for the distribution of flood relief rather it is the circle officer and the Nazir of the concerned Block who are directly responsible for making the distribution of flood relief and the petitioners are required to present at the such distribution.

It is further submitted that at the time of distribution of flood relief some persons created an ugly scene leading to the filing of another case bearing Noorsarai P.S. Case No. 231 of 2014, 236 of 2014 and 237 of 2014 by the circle officer of Noorsarai.

A perusal of both the F.I.R's, indicate that though there were some irregularities in flood relief management and yet no person has been benefited, yet it said stated that these petitioners were actually responsible for the same. The only

evidence which came in the case diary are contained in para 17 and 18 go to indicate that there were some fraudulent distributions in which even victims who were already dead were found to have been given such benefits. However, there is no specific submission by any witness in the case diary so as to indicate that these petitioners were responsible for the same.

Considering the aforesaid submissions, and in view of other facts and circumstances let the petitioners, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is/are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with P.S. Case No. 19 of 2015 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J)

siddharth/-

U		T	
---	--	---	--