

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33023 of 2016

Arising Out of PS.Case No. -84 Year- 2016 Thana -MAHUA District- VAISHALI(HAJIPUR)

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Ravindra Kumar Son of late Ram Prasad Ram Resident of Village-
Jaganpura , P.O. Dhelwan, P.S. Gaurichak, District Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan, Advocate

For the Opposite Party/s : Mr. Satyadev Prasad Singh Yadav (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-08-2016

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Mahua P.S. Case No. 84 of 2016 registered for the offence
punishable under Sections 409/34 of the Indian Penal Code.

First Information Report has been lodged against
the petitioner and others on the basis of the letter of Programme
Officer, Mahua, Vaishali, bearing Letter No. 39 dated 09.03.2016
in which allegation has been made that under MGNREGA
Plantation Scheme for the year 2009-10, plants have been given to
Gram Panchayat Raj, Gaushpur Chak Mozahid, Mahua, Vaishali
in which there were irregularities in plantation of plants for which
Certificate Case No. 01 of 2014-15 has been instituted alleging

embezzlement of Rs. 9,67,042/- against the Mukhiya and the several Panchayat Rojgar Sewaks, including the petitioner, who had been working in the year 2010 in the said Panchayat as Panchayat Rojgar Sewak, Junior Engineer and Panchayat Technical Assistant.

It has been submitted by the learned counsel for the petitioner that the Scheme was of the year 2009-10 and during course of enquiry, which was conducted in the year 2014, Programme Officer, Mahua, Vaishali has himself stated in his letter dated 25.04.2014 that Mukhiya has given his reply to the show cause that the said plants were purchased by the officers from nursery and the Mukhiya had no concern with the loss or dying of the plants. It has been submitted by the learned counsel for the petitioner that petitioner being Panchayat Rojgar Sewak at the relevant time is not concerned with the loss of plants and he left the said Panchayat way back in February, 2010. He submits that the matter is related to civil liability and for recovery of the amount, Certificate Case No. 01 of 2014-15 has been instituted against the petitioner and several others and there is no direct allegation against this petitioner.

However, learned A.P.P. for the State submits that petitioner is named in the First Information Report in his official

capacity, hence, opposes the prayer for bail.

Be that as it may, since the matter relates to civil liability and Certificate Case No. 01 of 2014-15 has been instituted and is pending against the petitioner, let the petitioner, named above, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P.S. Case No. 84 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, it is made clear that the petitioner will remain physically present before the police/ Court as and when required and his failure to appear before the learned Court below on two consecutive dates, if required, without assigning any reason will entail cancellation of his bail bonds without being prejudiced by this order.

(Nilu Agrawal, J.)

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