

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38371 of 2016

Arising Out of PS.Case No. -188 Year- 2014 Thana -THAKURGANJ District- KISHANGANJ

Bishwa Nath Mandal, the then Nazir Thakurganj Block, At present posted as clerk, Thakurganj Block, Kishanganj, S/O-Gopal Bishwash, Resident of Village – Pachhiyari Jhiruwa, P.S. – Forbesganj, District – Araria.

.... Petitioner

Versus

1. The State of Bihar
2. Md. Mushtak Ahmad, S/O-Late Abdul Kudus, Resident of Village – Shekh Baduara, P.S.-Kochal, District- Rohtas At present posted as B.D.O. Thakurganj, P.S.- Thakurganj, District – Kishanganj.

.... Opposite Parties

with

Criminal Miscellaneous No.39575 of 2016

Arising Out of PS.Case No. -188 Year- 2014 Thana -THAKURGANJ District- KISANGANJ

Peter Minz, the then B.D.O. Thakurganj S/o- Late Shri Dhaneshwar Minz Resident of Mohalla- Purnea Court Rly Gate no. 3 P.S.- K.Hat District- Purnea.

.... Petitioner

Versus

1. The State of Bihar
2. Md. Mushtak Ahmad S/o- Late Abdul Kudus Resident of village- Shekh Baduara, P.S.- Kochal Dist- Rohtas At present posted as B.D.O. Thakurganj P.S.- Thakurganj, District- Kishanganj.

.... Opposite Parties

Appearance :

(In Cr.Misc. No.38371 of 2016)

For the Petitioner : Mr. Yogesh Chandra Verma, Sr. Advocate.
Mr. Chandra Mohan Jha, Advocate.

For the Opposite Parties : Ms. Nirmala Kumari, APP.

(In Cr.Misc. No.39575 of 2016)

For the Petitioner : Mr. Yogesh Chandra Verma, Sr. Advocate.
Mr. Chandra Mohan Jha, Advocate.

For the Opposite Parties : Ms. Meena Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 22-11-2016 Heard both sides.

The petitioners apprehend their arrest in Thakurganj

P.S. Case No. 188 of 2014 registered for the offences punishable under Section 409 of the Indian Penal Code.

Md. Mushtak Ahmad, the Block Development Officer of Thakurganj Block instituted the present case against Panchayat Sachiv, Pramod Kumar Das for non-construction of one extra room in all the primary schools under M.S.D.P. Yojna.

Shri Yogesh Chandra Verma, learned senior counsel for the petitioners submits that earlier Thakurganj P.S. Case No. 261 of 2013 was instituted for non-construction of Aangan Bari Kendra but by the order of this Court passed in C.W.J.C. No. 22859 of 2013 directed the vigilance department to hold enquiry for misappropriation in regard to non-construction of Aangan Bari Kendra and one extra room in every upgraded primary school for which two cases i.e. Thakurganj P.S. Case No. 261 of 2013 and Thakurganj P.S. Case No. 188 of 2014, the present case, were lodged. The vigilance after investigation enquired both the subject matter of the aforesaid cases and submitted final form finding the case true against the petitioners and others in Thakurganj P.S. Case No. 261 of 2013, corresponding to Special Case No. 39 of 2014, and the same is pending before the Special Judge, Vigilance II, Patna. Although, both the subject matter was investigated and charge sheet was submitted in Thakurganj P.S. Case No. 261 of

2013, but the police continued the investigation and the petitioner has got every apprehension to be arrested as non-bailable warrant of arrest has already been issued.

It appears that once both the subject matter i.e. non-construction of Aangan Bari Kendra which is subject matter of Thakurganj P.S. Case No. 261 of 2013 and non-construction of one extra room in each and every upgraded primary school was investigated by the vigilance, the petitioners should have filed a petition for amalgamation of Thakurganj P.S. Case No. 188 of 2014 in Thakurganj P.S. Case No. 261 of 2013, but instead of filing of petition for amalgamation the petitioners filed petition for anticipatory bail.

Since the petitioners have already been enlarged on bail in Thakurganj P.S. Case No. 261 of 2013, corresponding to Special Case No. 39 of 2014, pending in the court of Special Judge, Vigilance II, Patna in this view of the fact, the petitioners above named, in the event of their 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, 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 Judicial Magistrate, 1st Class, Kishanganj in

Thakurganj P.S. Case No. 188 of 2014, Subject to the conditions
as laid down under Section 438 (2) of the Code of Criminal
Procedure.

(Prabhat Kumar Jha, J.)

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