

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51479 of 2015

Arising out of P.S. Case No.-273 Year- 2015 Thana-Lakhisarai(Kabaiya)
District-Lakhisarai

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Barsha Hembrom, Son of Late Mandal Hembrom, Resident of village -
Chuchhi, P.S. -Barhet, District - Sahebganj (Jharkhand)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Dr.Rabindra Kumar (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 25-01-2016 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner, who is Clerk-cum-Cashier of District
Yojana, Lower Kiul Pariyojana Pramandal CADA, Lakhisarai,
is apprehending his arrest in connection with Lakhisarai
(Kabaiya) P.S. Case No.273 of 2015 for allegedly having
committed the offence under Sections 467, 468, 471, 419 and
420 of the Indian Penal Code.

Case diary in the present case was called for, which
has since been received.

Learned counsel for the petitioner submits that the
petitioner, being Clerk-cum-Cashier, has limited role to play in
the disbursement of money allocated for any scheme. He



further submits that the allegation against the petitioner that he had issued cheques to the tune of ₹8,35,000/- was wholly against the sanctioned amount of ₹5,75,000/- meant for construction of boundary wall of *Kabristan*. Learned counsel for the petitioner further submits that the aforementioned payment was made and cheque was issued by the petitioner only after there was a clear-cut instruction from within the department and especially the Superintending Engineer. He submits that though initially the scheme was for an amount of ₹5,75,000/-, subsequently, due to cost escalation, the scheme was revised and extended to ₹8,35,000/-.

Learned counsel for the State, after perusal of the case diary, submits that actually the payment was made on the direct instructions of Engineer of CADA and the petitioner being an authority issued cheque under the instructions from his superior authority. He further submits that even in paragraph 51 of the case diary, the scheme was revised from ₹5,75,000/- to ₹8,35,000/- and, therefore, the said blame cannot be saddled on the shoulder of the petitioner.

Considering the aforementioned facts and circumstances and that there was a direct instructions to lodge F.I.R. against the Superintending Engineer and not against the

petitioner, let the petitioner, above named, 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, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai, in connection with Lakhisarai (Kabaiya) P.S. Case No.273 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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