

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10688 of 2016

Arising Out of PS.Case No. -25 Year- 2015 Thana -HATHAURI District- SAMASTIPUR

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1. Rajesh Paswan @ Rajesh Kumar Paswan Son of Dhyani Paswan,
Resident of Village - Madhwapur, P.S. - Hathauri, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar

For the Opposite Party/s : Mr. Ajit Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-03-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 406,420,467,468,427,353,379 and 120B of the Indian Penal Code.

The prosecution case is that the petitioner being Panchayat Mukhia in league with the then Panchayat Secretary, demolished the Panchayat Bhawan but deposited only twenty five thousand five hundred rupees in the panchayat bank account and the rest amounts were misappropriated.

It is submitted by the learned counsel for the petitioner that Aam Sabha of the Grampanchayat was called on 24.9.2013 and 5.10.2013 and in pursuance to the resolution of the Aam



Sabha the building was demolished for construction of a new building. Earlier Ramakant Sahni, Up Mukhiya of the panchayat lodged Hathauri P.S. Case No. 14 of 2014 levelling accusation under sections 406,420,427,468,504 and 506 IPC for the same cause of action against the petitioner but on conclusion of investigation the final form was submitted which was accepted. Statements to that effect have been made in paragraphs 7 and 8 of the petition which read as follows:

“That S.I. A.K. Sharma investigated the earlier case no. 14/2014 and has come to the conclusion that no criminal act is done by the accused of that case. His opinion was based on the evidence collected during investigation that the house was demolished by following the procedure before Aam Sabha and the scrap was auctioned and the amount was deposited in panchayat bank account and in such background FR no.9/14 dated 30.9.14 was submitted.

That on submission of final report the learned magistrate issued notice to the informant and in his presence accepted the final report vide order dated 20.6.2015.”

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 bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction

of learned JM Ist Class, Rosera, Samastipur in connection with
Hathauri P.S. Case No. 25 of 2015 subject to the conditions as laid
down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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