

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17886 of 2016

Arising Out of PS.Case No. -29 Year- 2015 Thana -PIPRIYA SAHAYAK District- LAKHISARAI

1. Nawin Kumar Singh son of Sri Prithivi Raj Singh, Resident of village-Dharhara (West), P.S. Dharhara, District- Munger

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Ataur Rahman(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-05-2016 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Pipariya P. S. Case No. 29 of 2015 registered for offences punishable under Sections 420, 409, 467 and 468 of the Indian Penal Code.

The prosecution case, as lodged by the informant Sudama Prasad Singh, Block Development Officer, Pipariya Block is that the accused petitioner was defalcated the government money of Rs. 12, 01,000/- which was given to him for disbursement amongst the beneficiaries. It has further been alleged that the petitioner was absent from his duty since November, 2011 from the headquarter and all the records concerned with the Social

Security Scheme has been kept in his custody.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent and amount of Rs. 12,01,000/- was given in three phases for disbursement to all beneficiaries, which he distributed the amount sincerely to all the beneficiaries, which finds place at Annexure-3 of this application.

Learned counsel for the petitioner further submits that even otherwise the said alleged disbursement is the subject matter of enquiry and his absence from Panchayat was an account of threatening given by some anti social elements, which was supported by Mukhiya. He has further submitted that because of illness of his mother, the petitioner was not present at his native place rather the official communication was not served upon the petitioner, which is evident from memo No. 95 dated 22.02.2016.

Learned counsel for the petitioner further submits that he has no criminal antecedent and the allegations of embezzlement does not subsist as he has already deposited money under various schemes to the beneficiaries.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, let the above named petitioner in the

event of his arrest or surrender before the Court below within a period of eight weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Pipariya P.S.Case No. 29 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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