

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6662 of 2016

Arising Out of PS.Case No. -132 Year- 2015 Thana -BARARI District- KATIHAR

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Chandrika Prasad Gupta Son of Late Ayodhya Prasad Gupta, Resident of
Village - Semapur, Brari, P.S. - barari, District - Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Mandal, Adv.

For the Opposite Party/s : Mr. Md. Aslam Ansari (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-02-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the Ex Gram Panchayat Mukhiya is apprehending arrest in a case registered for the offences punishable under Sections 406, 409 and 420/34 of the Indian Penal Code.

The prosecution case is that the petitioner and other Panchayat representatives defalcated the amount for construction of road under MANREGA scheme in the year 2007-08, 2008-09. It is alleged against the petitioner that he defalcated ₹77,045.31/-

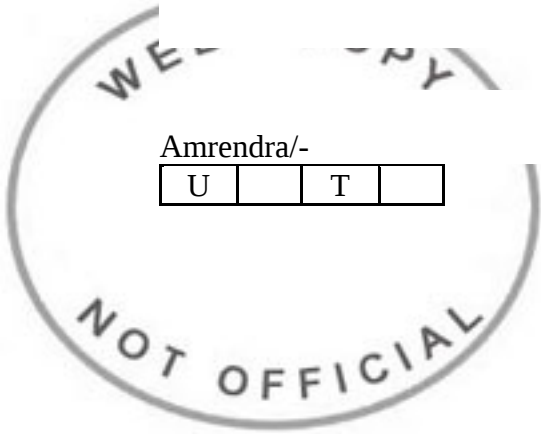
It is submitted by learned counsel for the petitioner that Vigilance enquiry was conducted after three years of completion of the said scheme and thereafter the present case has been lodged



when the area was flood prone. It is further submitted that inspection of the area after three years of completion of prescribed period was against the settled principles and guidelines laid under the Rural Employment Guarantee Scheme, 2005. As per the guidelines contained in clause 14.10.4 of the aforementioned column laid out that any enquiry or inspection of the scheme was to be made within one year of the completion of the scheme and at least 5% of the said inspections ought to be made between the period in which the construction of the scheme was being made. Considering the above facts other similarly situated co-accused Md. Ismail being the Panchayat Mukhiya, Ravindra Kumar Pathak and Ved Prakash Kamal being the Panchayat Rojgar Sewak and Jr. Engineer have been granted anticipatory bail vide Cr. Misc. Nos. 45415, 48938 and 51900 of 2015. A statement has been made in para 3 of the petition that the petitioner has no criminal antecedent.

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 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M., 1st Class, Katihar in connection

with Barari P.S. Case No. 132 of 2015, subject to the conditions
as laid down under Section 438(2) Cr.P.C.



Amrendra/-

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(Dinesh Kumar Singh, J)