

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14920 of 2016

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

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MD. NOOR HUSSAIN @ NOOR HUSAIN, son of Md. Mojibur Rahman
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-04-2016

Heard learned counsels for the petitioner and the State.

The petitioner being Panchayat Ward member is apprehending arrest in a case registered for the offences punishable under Sections 406, 409, 420 and 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 Rs.17689/-.

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 led under the Rural Employment Guarantee Scheme, 2005. As per the guidelines contained in clause 14.10.4 of the aforementioned column led 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 work 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 Criminal Miscellaneous Nos. 45415,48938 and 51900 of 2015. Similarly situated co-accused being Panchayat Ward Member namely Manorama Das has also been granted bail vide Criminal Miscellaneous No. 46090/2015 by a co-ordinate Bench of this Court. A statement has been made in paragraph 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 Judicial Magistrate, 1st Class, Katihar,
in connection with Barari P.S. Case No.132/2015, subject to the
conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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