

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52241 of 2015

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

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1. Yogendra Yadav @ Yogendra Prasad Yadav Son of Sri Mathura Prasad Yadav, Resident of Village - Murhena, P.S. - Rajauli, District - Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.55113 of 2015

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

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1. Md. Sirajuddin S/o - Late Md. Abdul R/o Vill - Alamnagar, Post - Ganeshpur, P.S. - K.Nagar, Distt - Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.52241 of 2015)

For the Petitioner/s : Mr. Ramchandra Sahni, Adv.

For the Opposite Party/s : Mr. Umesh Lal Verma(App)

(In Cr.Misc. No.55113 of 2015)

For the Petitioner/s : Mr. Sanjeev Kumar Singh

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

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 20-01-2016 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioners in Cr. Misc. No. 52241/2015 namely Yogendra Yadav @ Yogendra Prasad Yadav and in Cr. Misc. No. 55113/2015 namely Md. Sirajuddin are being Technical Assistant and Junior Engineer of Barari Block are apprehending their arrest

in connection with Barari P.S. Case No. 132/2015 for construction of road under the MANREGA scheme. The said scheme which was said to be executed between the year 2007-08 and 2008-09 came under a Clause.

It was alleged that though money had been spent for construction of the roads but the said schemes had not been properly executed and these petitioners had defalcated the amount of Rs. 2,422/- and Rs. 98,750/- respectively with regard to the construction of the said schemes.

Learned counsel appearing on behalf of the petitioners submit that though there is clear cut allegation against these petitioners, these petitioner have contended in their respective show-causes filed before the DDC at Katihar that the enquiries which was conducted were after a period of three years from the date of execution of the scheme which was not permissible under the rules, as the roads which had been laid out had been subject to wear and tear and therefore any enquiry conducted there after a prolonged period could not present current picture.

It is further submitted that whatever may be the allegations the petitioners have now deposited the aforementioned alleged amounts in the account of the State and as such they may be extended the benefit of pre arrest bail.

Considering the aforementioned facts and circumstances and the nature of allegation and that the petitioners have no criminal antecedent, let the petitioners above-named be in the event of their 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, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Barari P.S. Case No. 132/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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