

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48508 of 2015

Arising Out of PS.Case No. -196 Year- 2015 Thana -DHURAIYA District- BANKA

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Sharif Ansari Son of Late Rainjani Ansari Resident of village - Milki Dostani, P.S. Dhoraiya (Dhankund), District - Banka presently Mukhiya of Gram Panchayat Kath Bangaon, Birbalpur, P.S. Dhoraiya (Dhankund), District - Banka

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.49520 of 2015

Arising Out of PS.Case No. -196 Year- 2015 Thana -DHURAIYA District- BANKA

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Anirudh Mandal @ Anurudh Mandal Son of Late Gobind Mandal Resident of Village - Babudih, P.S.- Barahat, District - Banka

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.48508 of 2015)

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Kalayan Shankar(App)

(In Cr.Misc. No.49520 of 2015)

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. A.Haque Sahara(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-02-2016 Since both the cases arise out of Dhoraiya (Dhankund) P.S. Case No.196 of 2015, they have been heard together and are being disposed of by this common order.

The petitioners are apprehending their arrest in connection with Dhoraiya (Dhankund) P.S. Case No.196 of 2015

for the offences instituted under Sections 406, 409, 420, and 468 of the Indian Penal Code.

The prosecution case has been lodged on the basis of letter no.1326 dated 4.9.2015 of the B.D.O., Dhoraiya addressed to the S.H.O., Dhoraiya P.S. and the inspection report dated 6.6.2015, the allegation against the petitioners is that they being the Mukhiya and Panchayat Sevak of Kath Bahgaon, Birbalpur was indulged in preparing forged documents and making of pension of the dead persons and further they have also not completed the works of schemes allotted to them and thereby misappropriated and defalcated the government money.

It is submitted on behalf of the petitioners that the petitioners had been made accused in the present case due to mistake of fact. In fact, there has been no mis-appropriation of public money. Petitioners are Mukhiya and Panchayat Sevak of Kath Bahgaon Gram Panchayat. The public work is in progress and same is expected to be completed within a period of six months. It is further submitted that the petitioners are ready to deposit an amount of Rs.50,000/- each in the court below which shall be subject to the final disposal of the case

On behalf of the State, it is submitted that the petitioners are named in the F.I.R. and have mis-appropriated the

public money.

Considering the aforesaid facts and circumstances, it is directed that the petitioners shall deposit an amount of Rs.50,000/- in the court below which shall be subject to the final disposal of the case.

Let the above named petitioners, in the event of arrest or surrender in the court below within a period of eight weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka, in connection with Dhoraiya (Dhankund) P.S. Case No.196 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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