

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17741 of 2016

Arising Out of PS.Case No. -42 Year- 2014 Thana -GHOGHARDIHA District- MADHUBANI

Suresh Prasad son of Late Shatrudhan Prasad, resident of Village- Behat,
P.S.- Lakhnaur, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. M.K.Khare (APP)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-05-2016 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner apprehends arrest in connection with
Ghoghardiha P.S. Case No. 42/14 for offences alleged under
Sections 406, 409, 420 of the Indian Penal Code.

The prosecution case, as lodged by Block
Development Officer, Ghoghardiha, is that the petitioner while
posted as Revenue Officer and was given charge of construction
of boundary wall of graveyard vide block level scheme No.
01/2007-08 during course of enquiry conducted by the Circle
Officer, Phulparas and submitted before the District Magistrate,
Madhubani vide letter no. 535 dated 25.07.2013, it was found that
against the total sum of the scheme amounting to Rs. 4,87,200/-



the petitioner was given a sum of Rs. 3,43,600/- on various dates but the measurement book, as submitted by the petitioner on his transfer to the Junior Engineer and Assistant Engineer was for a sum of Rs. 2,85,986/-. For the rest amount of Rs. 57,614/- petitioner had issued two cheques dated 11.06.2013 for a sum of Rs. 50,000 and Rs. 7614/- but the said cheque has not been encashed. Hence the allegation was that the petitioner along with others has embezzled the said amount of Rs. 2,85,986/-.

It has been submitted by the learned counsel for the petitioner that for the said scheme a total sum of Rs. 3,43,600/- was sanctioned, against which the petitioner has already submitted Rs. 2,85,986/- before his transfer to the Junior Engineer and Assistant Engineer, as is evident from the enquiry report dated 25.07.2013 and the rest amount of Rs. 57,614/- had been submitted by cheque dated 11.06.2013 which has subsequently been debited from his account on 06.08.2013, which is evident from Annexure-5, the statement of account of the petitioner from the Bank. He further submits that since he has deposited the entire amount which has been advanced for the work, hence, no case under Section 406, 409, 420 of the Indian Penal Code is made out against him as the entire amount has been returned causing no monetary loss to the Government.

Learned APP for the State, however, submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

In the aforesaid facts and circumstances, let petitioner, above named, 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 bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Jhanjharpur, Madhubani, in connection with Ghoghardiha P.S. Case No.42/14, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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