

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44448 of 2015

Arising Out of PS.Case No. -34 Year- 2014 Thana -NAWAKOTHI District- BEGUSARAI

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Mahendra Mahto Son of Late Ram Das Mahto, Resident of Village-
Chhotauna, P.S. Nao Kothi, District Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hare Krishna Prasad, Advocate

For the Opposite Party/s : Mr. Hirday Pd.Singh(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 17-02-2016 Heard learned counsel for the petitioner and the

learned A. P.P. for the State.

Petitioner apprehends his arrest in connection with

Nawkothi P.S. Case No. 34 of 2014 registered for offences

punishable under Sections 409, 420, 467, 468 and 471 of the

Indian Penal Code.

The prosecution case, in brief, is that after enquiry,

Kundan Kumar, Senior Deputy Collector, Begusarai has submitted

his report before the District Panchayat Raj Officer, Begusarai

stating that accused persons misappropriated the amount of diesel

subsidy to the tune of Rs. 1,33,372/- by preparing fake papers.

Accused persons had shown that they have distributed diesel

subsidy three times, but, in fact, only one voucher had been

submitted by them. The beneficiaries also made statement that they have received diesel subsidy amount only once.

It has been submitted by the counsel for the petitioner that the petitioner is innocent and has falsely been implicated in the present case. It has further been submitted that the allegation against the petitioner is incorrect that he along with Panchayat Secretary had defalcated a sum of Rs. 1,33,372/- and they have not distributed diesel subsidy to the beneficiaries, although they have prepared fake vouchers showing distribution of the same. It has further been submitted by the learned counsel for the petitioner that the entire work of distribution is done by the Panchayat Secretary, although the signatories on paper are the Panchayat Secretary and the Mukhiya together. Furthermore, it has been submitted that Panchayat Secretary has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court under order dated 30.04.2015 passed in Cr. Misc. No. 49912 of 2014.

Learned A.P.P. appearing for the State, on the other hand, submits that Mukhiya being the head of the Panchayat is solely responsible for the acts of omission and commission.

Be that as it may, since the petitioner, who is Mukhiya, was only the signatory and Panchyat Secretary was discharging all functions of the Gram Panchayat, who has already been granted

the privilege of anticipatory bail, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of Shri Bineet Kumar, learned Judicial Magistrate, 1st Class, Begusarai in connection with Nawkothi P.S. Case No. 34 of 2014, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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