

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30353 of 2016

Arising Out of PS.Case No. -524 Year- 2013 Thana -SITAMARHI District- SITAMARHI

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Basant Kumar Singh son of Late Shiv Kumar Singh Resident of Flat
No.202, Lalita Apptt. Mithapur,B-Area,P.S.-Jakkanpur,District Patna and
Permanent resident of village+Post Office+P.S.- Shukhpur,District-Supaul

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

6 16-11-2016 Heard both sides.

The petitioner apprehends his arrest in Sitamarhi P.S.
Case No. 524/2013, registered for the offences punishable under
Sections 409 and 420 of the Indian Penal Code.

The informant Awadhesh Kumar District Dairy
Development Officer, Sitamarhi in pursuance of the direction of
Special Secretary, Government of Bihar, Cattle and Fisheries
Development Department lodged the case alleging therein that
from financial year 2008-09 to 2011-12 the petitioner withdrew
Rs. 1,59,53,932/-, but no document was kept in the office.
Secondly, when the petitioner was posted as District Dairy
Development Officer, Araria petitioner took Rs. 4,72,000/- for

construction of cold-house for keeping milk, but the petitioner did not account for the same.

Mr. Ravindra Kumar Singh learned counsel for the petitioner submits and refers annexure-6 page 41 and 42 stating that out of Rs. 17,12,476/- there was document with regard to expenditure of Rs. 12,74,976/- and only Rs. 4,37,500/- was found lying due against the petitioner. It is further submitted that while relying on annexure-7 page 44 that enquiry was held and it was found that only Rs. 3,89,500/- was lying due. On the basis of aforesaid enquiry report departmental proceeding was initiated against the petitioner and after retirement the entire retiral benefits of the petitioner was forfeited under Section 43B of the Bihar Pension Rules, but it appears from perusal of the F.I.R. as well as annexure-6 page 41 and 42 and annexure-7 page 45 to 48 that still Rs. 16,18,476/- was lying due while the petitioner was working as District Dairy Development Officer at Sitamarhi and Rs. 3,89,500/- against the petitioner while he was posted at Araria, Katihar.

The informant Mr. Awadhesh Kumar appeared and he disclosed that vide resolution dated 18.10.2016 as contained in memo no. 354 N.G Rs. 13,34,000/- was recoverable.

Considering the facts aforesaid and nature of allegation

made against the petitioner that the petitioner misappropriated huge government money during his tenure as District Dairy Development Officer at Sitamarhi as well as District Dairy Development Officer at Katihari, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

Vinita/-

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