

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20724 of 2016

Arising Out of PS.Case No. -24 Year- 2013 Thana -PHENHARA District-
EASTCHAMPARAN(MOTIHARI)

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1. Nitish Chandra Mandal son of late Bal Deo Mandal the resident of village- Hanswar, P.S.- Manihari, Distt- Katihar at Present posted as District Programme Officer, Sarv Sikha Abhiyan East Champaran, Motihari.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh

For the Opposite Party/s : Mr. Anuj Kr.Srivastav(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 17-05-2016

Heard both sides.

The petitioner apprehends his arrest in a case under Section 406, 409, 420, 467, 120B of the Indian Penal Code.

The informant, District Programme Officer, Primary Education and Sarv Shikcha Abhiyan, East Champaran, alleged that petitioner was to construct building for which cheque of Rs. 19, 31,600/- was issued in the name of Amzad Kamal and Kamaluddin Ahmad for construction of the building.

It is submitted that vigilance enquiry was held and it was found that the engineers, contractors and others were responsible for non construction of the building. The petitioner is District Programmed Officer and he is not at all entrusted the work of construction of building nor any supervisory work was to be done by the petitioner. The petitioner is not named in the FIR but

his name figured in the supervision note of I.G. that the petitioner appears to be responsible as he was the District Programme Officer. It is submitted that all the engineers and technical supervisors have already been granted anticipatory bail vide orders passed in Cr. Misc. No. 21198 of 2014 and Cr. Misc. No. 7723 of 2014. Other accused persons who were responsible for construction of the building were directed to surrender in the court below and pray for regular bail.

Considering the fact that petitioner was District Programme Officer and he was not at all entrusted either to get the construction work done or supervision, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-12, East Champaran at Motihari in Phenhara P.S. Case No. 24 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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