

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15432 of 2015

Arising Out of PS.Case No. -387 Year- 2014 Thana -JOKIHAT District- ARRARIA

Ashok Kumar Gupta S/o Ram Sharan Sah Resident of village - Chakai,
P.S. Jokihat, District - Araria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate
Mr. Dhananjaya Nath Tiwari, Advocate.
For the Opposite Party/s : Mr. Dr.Rabindra Kumar (APP)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

10 29-01-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection with
Jokihat P.S. Case No. 387 of 2014 registered for the offences
punishable under Sections 467, 468, 471, 406, 420 of the Indian
Penal Code.

Learned Sr. Counsel for the petitioner submits that the
petitioner was posted as Mukhiya in Chakai Panchayat for the
period 2006-2011 and at the said time, Shiv Narayan Uraon was
also posted in the said Panchayat as Panchayat Secretary. It is
further submitted that, at the relevant point of time, the account
was opened in the name of said Shiv Narayan Uraon alongwith the
petitioner for withdrawal of amount of different schemes of the



Government. However, on his death in the year 2011 itself i.e. 4.4.2011 another person namely, Bimal Kumar Yadav came to be appointed as Panchayat Secretary on deputation basis in the said Panchayat. It is further submitted that certain amounts were withdrawn from the Bank and the said amount was utilized for the scheme of solar light and hand pumps. There is no allegation that the money, so withdrawn was not utilized of the same. It is further submitted that the said Bimal Kumar Yadav was on account of certain irregularities and mischief perpetrated by him in the Panchayat, was removed from the post of Panchayat Secretary and he was transferred to another Panchayat on 04.03.2011. The said transfer was done on the basis of complaint, made by the present petitioner and as a result thereof, only to wreak vengeance and feed fat his own grudge filed a mischievous complaint against the petitioner resulting in the present prosecution. It is further submitted that whatever the nature of allegation in the present complaint, the said can be proved only after comparison of signatures by the expert, which can be done during the course of trial. He further submits that the petitioner shall cooperate in the investigation and during the course of trial he shall make him present before the Court, at all material times.

Considering the nature of allegation made as submitted

by the learned counsel for the State and that there is no further cogent material in the case diary so as to implicate the petitioner in the present case, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the S.D.J.M., Araria in connection with Jokihat P.S. Case No. 387 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Jagdish/-

(Anjana Mishra, J)

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