

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25469 of 2016

Arising Out of PS.Case No. -447 Year- 2015 Thana -WAJIRGANJ District- GAYA

Rajesh Bose son of Late Sheo Narayan Mahto

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Ms. Gulnar Begum

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 02-09-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a
case registered for the offences punishable under Sections
420/409/34 of the Indian Penal Code.

Diary in this case was called for earlier, which has, since
been received.

Learned counsel for the petitioner submits that there is
allegation against the petitioner that he had not made plantation of
the trees for which he has drawn funds. He, however, submits that
such plantations had been duly made by him, but due to rough
weather condition, the same could not be maintained and,
therefore, the petitioner is now facing prosecution.

Learned Additional Public Prosecutor for the State after

perusal of the case diary submits that, though the trees were planted, but many of them dwindled and were not maintained and, therefore, the charge of negligence can be squarely saddled on the shoulder of this petitioner.

However, learned counsel for the petitioner submits that the petitioner was transferred in the year 2013 itself from the Panchayat in question and, therefore, he cannot be solely attributed the blame of negligence.

Considering the aforementioned facts and circumstances and that the petitioner had already handed over charge to one other Panchayt Sewak on 10.03.2013 and the present First Information Report had been lodged in the year 2015, let the petitioner, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Gaya, in connection with Wazirganj (Tankuppa) P.S. Case No. 447/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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