

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4141 of 2017

Arising Out of PS.Case No. -161 Year- 2016 Thana -SISWAN District- SIWAN

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1. Raju Kumar Chaudhary, son of Sri Deo Raj Chaudhary, Resident of Village- Koirigawan, PS- Barharia, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bajarangi Lal

For the Opposite Party/s : Mr. Smt. Pronati Singh

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 17-02-2017 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Siswan Police Station Case No. 161 of 2016, disclosing offences under Sections 174, 188, 420, 406, 409, 120B of the Indian Penal Code and Section 7 of the E.C. Act.

The matter relates to irregularities in distribution of rice under the MDM Scheme. It is alleged that 14 Quintals of rice have not been properly distributed in the school under the MDM scheme by Block Resource Person of Siswan Block and the same is said to be misappropriated.

Learned counsel for the petitioner has submitted that the petitioner, happens to be a Block Resource Person in Siswan



Block, admittedly, was responsible for lifting the food grains for distribution from B.S.F.C. but the distribution responsibility solely lies on the Block contractor. Therefore, the alleged charge of misappropriation of rice should only be leveled against the person, who is responsible for distribution of the said rice as per the requisition made by the school. In fact, no irregularity has been done in the distribution of the rice as per the requisition of the school, which would be evident from Annexure-3, which is Distribution chart, to the application. Even if, the aforesaid charge is assumed to be proved, the matter requires departmental proceeding. No criminal proceeding should be initiated against the delinquent for the alleged charge of misappropriation of 14 quintals of rice in the absence of any proof or without affording any opportunity to the delinquent to defend his case. In the aforesaid background, no case under Section 7 of E.C. Act is made out against the petitioner. Hence, the petitioner deserves the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



learned Chief Judicial Magistrate, Siswan, in connection with
Siswan Police Station Case No. 161 of 2016, subject to the
condition laid down under Section 438 (2) of the Code of
Criminal Procedure.

(Arvind Srivastava, J)

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