

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42807 of 2014

Arising Out of PS.Case No. -20 Year- 2009 Thana -LAUKHA District- MADHUBANI

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Kanhaiya Prasad Son of Ram Giridhari Rarm Resident of Village -
Jamiavanu, P.S.- Piro, District - Bhojpur (Ara), presently posted as
Assistant Engineer, D.R.D.A., Madhubani

.... Petitioner

Versus

1. The State of Bihar
2. Prasunna Kumar, son of Naresh Prasad, Karkaram Officer, Khutauna
Block, Madhubani

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Gagan Deo Yadav
Mr. Vinod Kumar
For the Opposite Party/s : Mr. Ahmad Ali (App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

3 01-11-2017 Heard learned Counsel for the petitioner as well as
the learned Counsel for the State.

The petitioner seeks quashing of the cognizance order dated 1.8.2014, whereby the learned Judicial Magistrate, 1st Class, Jhanjharpur has taken cognizance of the offence under Sections 420, 406, 409, 467, 468, 469 and 120B/34 of the IPC.

The short fact giving rise to the case is that on the direction of District Magistrate an enquiry was made by the Assistant Engineer Vidya Bhushan Kumar of NREP Madhubani regarding the work performed under MANREGA and in the enquiry it was found that the Mukhiya of the concerned



Panchayat, Panchayat Rojgar Sewak Balveer Kumar Yadav, Junior Engineer PLrakash Kumar and this petitioner, the Assistant Engineer, have misappropriated Rs. 48,298/- and as lesser work was found done by the Enquiry Officer whereas in the Measurement Book more work is shown and thus money was misappropriated.

Learned Counsel appearing on behalf of the petitioner submits that the entire responsibility of doing the work rests with the Junior Engineer whereas the petitioner is Assistant Engineer and he only submitted the Measurement Book.

Contrary to that the learned Counsel appearing for the State submits that the petitioner is Assistant Engineer and the Junior Engineer works under him. He is also responsible to verify the whole work done by the Junior Engineer and others. There is sufficient material in the case diary.

Having considered the rival submissions and on perusal of the record the Court finds specific allegation and evidence collected during investigation against the petitioner. So there is no ground for interfering with the cognizance order.

The application stands dismissed.

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(Arun Kumar, J)

