

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13325 of 2017

Arising Out of PS.Case No. -33 Year- 2017 Thana -GOGRI District- KHAGARIA

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Umesh Prasad Patel Son of Late Nokhelal Patel then Mukhiya, Gram Panchayat Gogari Block-Gogari, District-Khagaria, at Present Resident of Village-Gogari, P.S. Gogari, Distari-Khagaria

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anant Kumar-1, Advocate

For the Opposite Party : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 12-04-2017

Heard.

The petitioner apprehends his arrest in connection with Gogari P.S.Case No.33 of 2017 registered for an offence under Sections 409, 420, 467 and 468/34 of the IPC.

Allegation is that the accused persons including the petitioner have defalcated the government money of seven schemes of NAREGA/MANREGA for the financial year 2007-08 to 2009-10.

Counsel for the petitioner submits that petitioner has got no criminal antecedent. The complainant after his defeat in election of Mukhia filed a complaint before Lokayukt in the year 2011 alleging therein that this petitioner in collusion with other co-accused defalcated an amount of more than three lacs in



connection with schemes and they without completing of work withdrew the entire amount. The matter was enquired in absence of the petitioner. The complainant was elected as Mukhiya in the year 2016 and the thereafter lodged complaint in order to harass the petitioner. The scheme relates to the period 2007-08 whereas the enquiry was made after nine years of completion of work. He further submits that this petitioner had no role at all in making payment with respect to any of the scheme. The payment with respect to the scheme was made after verification by the concerned officials. The then Programme Officer who has been arrayed as an accused in this case has been allowed anticipatory bail by a coordinate Bench of this Court vide order dated 07.04.2017 passed in Cr.Misc.No.15362 of 2017 and the case of the petitioner stands on similar footing.

However, learned APP opposed the submission.

Considering the nature of allegation and the fact that the enquiry was made in absence of petitioner after nine years of completion of work and also the fact that similarly situated co-accused has been allowed anticipatory bail by this Court, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Gogari P.S. Case No.



33 of 2017/G.R.Case No.182 of 2017 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, Ist Class, Khagaria, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sanjay Kumar, J)

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