

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42315 of 2016

Arising Out of PS.Case No. -152 Year- 2016 Thana -MADHUBANI TOWN District-
MADHUBANI

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Ram Ayodhya Thakur aged about 58 years, son of Sri Narayan Thakur,
Resident of village- Kanana, P.O. Kaurihar, P.S. Raxaul, District- East
Champaran and the then Executive Engineer cum Member Secretary Jila Jal
Swakastha Samiti, Madhubani

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Lalan Kumar

For the Opposite Party/s : Mr. Ajay Kumar-1

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 11-01-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case instituted under
Sections 406, 409, 420, 467, 468, 471 and 120(B)/34 of the Indian
Penal Code.

The prosecution story, in brief, is that the petitioner
being Executive Engineer-cum-Member Secretary of District
Water and Sanitation Committee has misappropriated huge
amount of government money, which is alleged to have been
withdrawn from the Bank through different forged Cheques,
which was given for creation of toilets in the rural area under
Swakshta Abhiyan run by Government of India.

It has been submitted on behalf of the petitioner that the



petitioner is in custody since 18.06.2016. The charge sheet has been submitted in the present case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner was posted as Executive Engineer at Madhubani. The petitioner was transferred and subsequently relieved on 22.10.2015. The withdrawal of amount in question Rs. 46 lac, is alleged to have been misappropriated. The said amount was transferred on 27.11.2015. The petitioner was not present on 27.11.2015. The RTGS was done after one month and five days. The signature on the RTGS is said to be false. For a similar nature of case, a separate F.I.R. was instituted, in which the petitioner has been granted bail.

On behalf of the state, it has been submitted that the petitioner is named in the F.I.R. At the relevant time, he was the Executive Engineer, looking after District Water and Sanitation Committee, Madhubani. The scheme of Swakshta Abhiyan, run by Government of India for creation of toilets in the rural area was looked after by the petitioner. An amount of Rs. 46 lac and Rs. 42 lac were withdrawn for the said scheme. The transfer in the books of account was made on 11.10.2015 and the petitioner was posted on the said post from 02.07.2011 till 22.10.2015. The beneficiaries were to be provided 460 odd toilets and 423 toilets under the said rural scheme. This was being taken care by the



Public Health Engineering Department, Madhubani. Admittedly, the transfer of money of the scheme in the laser account had taken place during which the petitioner was posted as an Executive Engineer.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Madhubani (Town) P.S. Case No. 152 of 2016, pending in the court of learned Chief Judicial Magistrate, Madhubani.

Anyhow, the court below is directed to take all necessary steps to expedite the trial and conclude the same preferably within a period of one year from the date of receipt/production of this order.

The District Magistrate, Madhubani and the Superintendent of Police, Madhubani are directed to ensure that prosecution witnesses are produced in the court on the date fixed by the court below, so that the trial could be concluded within the stipulated period.

Let a copy of this order be communicated to the District Magistrate, Madhubani and the Superintendent of Police, Madhubani.

(Sudhir Singh, J.)

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