

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53438 of 2017

Arising Out of PS.Case No. -104 Year- 2017 Thana -ARIYARI District- SEKHPURA

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Kanhaiya Dayal Singh @ Kanhaiya Dayal S/o Md. Hasamuddin, R/v-
Rangpura, P.S. - Mirganj, District- Purnea.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Adv.

For the Opposite Party/s : Mr. Ramchandra Sahani, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 14-11-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends arrest in connection with
Ariyari Police Station Case No. 104 of 2017 registered for the
offences punishable under sections 406, 409, 420, 467, 468 and
471/34 of the Indian Penal Code.

The above Ariyari P.S. Case No. 104 of 2017 has
been registered on the basis of an enquiry report of a 5-Member
Committee. The District Magistrate, on getting a written
complaint from the inhabitants of Hussainabad Panchayat
regarding irregularity in implementation of Mahatma Gandhi
National Rural Employment Guarantee Scheme (herein after
referred to as “MANREGA”), constituted a 5-Member Committee



to enquire into the matter and after receipt of the said report, the First Information Report against 12 persons was lodged by the Director of District Rural Development Authority, in short “D.R.D.A.”, Sheikhpura.

The learned counsel for the petitioner submits that the petitioner was posted as Panchayat Technical Assistant at Hussainabad Panchayat from 04.07.2013 to 13.06.2014 and he had no concern with the functioning of MANREGA. The petitioner had no role at all with respect to preparation of job card. The District Magistrate, on receipt of complaint from public, constituted a 5-Member Committee to enquire into the matter. The said Committee submitted a detailed report with respect to nine allegations. The Committee found irregularities in work of MANREGA and reported specifically naming the persons involved in the said Scheme. There is nothing against this petitioner showing his involvement in any way. The petitioner submitted a show cause to the District Magistrate-cum-District Programme Coordinator which has been annexed as Annexure-2 to this application. The charges relate to withdrawal of money in the name of dead persons, wages paid to the students, issuance of job card and payment of wages to the persons who were outsider. This petitioner had no concern with respect to preparation of job



card or payment of wages. The petitioner on one occasion, had measured the soil and on the basis of his report, the payment was made to the concerned labour except that there is nothing against the petitioner. It has been further submitted that the main allegation is against Mukhiya and Panchayat Sevak and the similarly situated co-accused namely Alok Kumar, who was also Panchayat Technical Assistant, has been allowed bail by one of the coordinate Bench of this Court on 30.10.2017 in Criminal Miscellaneous No. 50447 of 2017. The other co-accuseds have also been allowed anticipatory bail by different Benches of this Court in Criminal Miscellaneous Nos.47323, 40537, 38412 and 52309 of 2017 and so this petitioner having better footing also deserves anticipatory bail.

The learned Additional Public Prosecutor on the other hand opposed the submission, but concedes that nothing specific has come against this petitioner in the report of the 5-Member Committee.

Considering the omnibus allegation against the petitioner, facts and circumstances of the case, as stated above, the prayer of anticipatory bail of this petitioner is allowed and the petitioner, Kanhaiya Dayal Singh @ Kanhaiya Dayal, in the event of arrest or surrender before the court below within a period of 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 the learned Sub-Divisional Judicial Magistrate, Sheikhpura/Successor Court in connection with Ariyari Police Station Case No. 104 of 2017, subject to the condition as laid down under section 438 (2) of the Criminal Procedure Code.

(Sanjay Kumar, J)

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