

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60914 of 2017

Arising Out of PS.Case No. -124 Year- 2017 Thana -PIPRAHI District- SHEOHAR

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Satyendra Prasad son of Sri Chandra Sekhar Mehta R/o Village - Chiri, Post - Bharthu, P.S. - Hulasganj, District - Jehanabad, at present Superintending Engineer, P.S. Muffasil, P.H.E.D. Circle District - Begusarai.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/ : Mr. Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 19-12-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Piprahi P.S. Case no. 124 of 2017, registered under Sections 409, 406, 419, 420, 467, 468, 471, 201 and 120-B/34 of the Indian Penal Code.

The accusation is that on receiving the written complaint dated 29.03.2017 of Ruby Devi, Mukhiya Gram Panchayat, Abhirajpur Bairiya of block Tariyani about misappropriation of the money allocated for construction of toilet to the villagers in Gram Panchayat Abhirajpur by the then Mukhiya Dharmendra Kumar Singh, an inquiry was made on the instruction of District Magistrate, Sheohar. In the enquiry, it was detected that in Gram Panchayat, Abhirajpur on physical verification 1519 beneficiaries were found, who constructed toilet, whereas 626 beneficiaries were available cash for construction of



the toilet, but they did not construct the toilet, whereas 900 beneficiaries did not allow about physical verification of the construction of the toilet. Thereafter, on the basis of the enquiry report of Executive Engineer, PHED Sheohar, F.I.R. was lodged against the then Panchayat Mukhiya Dharmendra Kumar Singh and 23 others, including the petitioner, who was the then Executive Engineer, PHED.

Learned counsel for the petitioner submits that the petitioner was posted as Executive Engineer, PHED in the district between 06.01.2016 to 08.07.2016, thereafter, he was promoted as Superintendent Engineer and posted at Begusarai. Further submission is that it is no doubt that the work was being done in the supervision of the then Executive Engineer, PHED, but the responsibility about looking after construction of the toilet and submitting the report was on Assistant Engineer, Junior Engineer, Block Coordinator and district coordinator to whom the liabilities were fixed for physical verification and also submitting the report about deducting the amount of the construction work was not found in accordance with scheme and specification, which would appear from Annexure-6 letter dated 04.03.2016 of District Magistrate, Sheohar addressed to the Executive Engineer, PHED Engineering Division, Sheohar, District Coordinator, District Swachhata Mission, Sheohar. Further submission is that while the petitioner transferred from PHED Division Sheohar on 08.07.2016, thereafter, a report was submitted by Assistant Engineer Rural Work Department, Sheohar Agricultural, Coordinator, Tariyani submitted



the report about completion of the work on 22.08.2017 stating that if any shortcoming will found they will be responsible, which would appear from Certificate issued by them on 22.08.2017 with the list of beneficiaries, which is the basis of F.I.R. Further submission is that in the report, which is the basis of the F.I.R. there is no allegation about misappropriating the money of the schemes for construction of toilet in the rural areas by this petitioner. It is also pertinent to mention here that the aforesaid report was submitted by the concerned officials on 22.08.2017 after the transfer of the petitioner from Sheohar district.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, 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, 1st Class, Sheohar in connection with Piprahi P.S. Case No. 124 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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