

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51981 of 2016

Arising Out of PS.Case No. -352 Year- 2016 Thana -SUPAUL District- SUPAUL

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Bed Prakash Bharti @ Bed Prakash Bhartiya, S/o Late Suryanand Mishra,
R/o Village- Nonaity, P.S.- Basnahi, District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

8 07-07-2017 Let the supplementary affidavit filed on behalf of the

petitioner be kept on the record.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with

Supaul P.S. Case No.352 of 2016/G.R. No.1304 of 2016 registered

under Sections 406, 409, 420 and 120(B) of the Indian Penal

Code.

The accusation in the F.I.R. is to the effect that while

under Scheme No.9/12-13 of Plantation of Trees, the plantation

work was done in the old orchard in which big trees were situated

but the measurement book of the said Scheme was not provided



for which Panchayat Rojgar Sewak, Panchayat Technical Assistant (petitioner) and Mukhiya are responsible. Similarly, under Scheme No.6/11-12 of Plantation of Trees, while 200 plants were planted but only one plant was found alive. The responsibility of taking care of the plantation of the trees was on Panchayat Rojgar Sewak and Mukhiya but they have not taken any interest for the same. Similarly, under Scheme No.01/11-12 of Plantation of Trees, 400 plants were planted but only 76 plants were found alive and no interest was taken by Panchayat Sewak and Mukhiya to take care of the same.

Learned counsel appearing on behalf of the petitioner submits that it would appear from paragraphs-3 and 4 of the F.I.R. that the responsibility of taking care of the plantation of the trees was on Panchayat Rojgar Sewak and Mukhiya and not on this petitioner, who is Panchayat Technical Assistant. The only responsibility of the petitioner was for measurement. While it is alleged that the Measurement Book was not supplied by the petitioner but the Panchayat Rojgar Sewak, in his statement at para-5 of the case diary, has stated that the measurement book was supplied to him by the petitioner and the petitioner also got the measurement book by filing an application under Right to Information Act, which is Annexure-“P-9” to the supplementary



affidavit filed on behalf of the petitioner.

On the other hand, while learned A.P.P. for the State opposed the prayer of the petitioner for grant of anticipatory bail but submitted that in paragraph-5 of the case diary, the Panchayat Rojgar Sewak has admitted that the Measurement Book was provided to him by the petitioner.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Supaul, in connection with Supaul P.S. Case No.352 of 2016/G.R. No.1304 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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