

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9392 of 2017

Arising Out of PS.Case No. -389 Year- 2016 Thana -SARAIYA District- MUZAFFARPUR

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1. Ram Parvesh Rai Son of Late Ram Jatan Rai, Resident of Village-
Repura Rampur, P.S.- Saraiya, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

8 21-06-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections
467/468/471/420/409/34 of the Indian Penal Code.

The petitioner was local Mukhiya at the relevant
time when different defalcations in different government schemes
were alleged. The petitioner had submitted his explanation against
all the alleged irregularity on 20.09.2016 to the District
Magistrate, Muzaffarpur, vide Annexure-2. Vide Annexure-4, the
authorities examined each and every alleged scheme and were of
the view that in some of the schemes more money was withdrawn
than the work performed. Hence, there is liability for recovery



against the petitioner; whereas in some other scheme no definite opinion of defalcation was expressed.

Submission of the petitioner is that the petitioner and the co-signatory only make payment on the basis of report of measurement of the work which is done by the junior engineer etc. There is no allegation that no work was performed in any of the referred scheme and money was withdrawn. Further submission is that the eligibility certificate for grant of Indira Aawas Scheme was not issued by the petitioner. Therefore, whole allegation against the petitioner is on suspicion.

On previous date learned counsel for the informant prayed for time but no one appears on behalf of the informant today.

Considering the fact that there is no substantial material to attribute allegations against the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur/Successor Court in connection with Saraiya Police Station Case No.389 of 2016, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure. With further condition that petitioner shall fully cooperate with the investigation and trial of the case, failing which the Court-below shall be at liberty to take steps for cancellation of the bail-bonds of the petitioner in this case.

Mkr./-

(Birendra Kumar, J)

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