

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54870 of 2017

Arising Out of PS.Case No. -35 Year- 2017 Thana -DARPA District-
EASTCHAMPARAN(MOTIHARI)

=====

Ompraksh Kumar @ Om Prakash Prasad, Son of Late Bhola Sah, resident of Village- Jainagar, P.S.- Chhauradano, District- East Champaran, at Present, posted as Panchayat Rozgar Sevak, Chhauradano Block, East Champaran.

.... Petitioner.

Versus

The State of Bihar.

.... Opposite Party.

=====

Appearance :

For the Petitioner : Mr. Abhishek Kumar, Advocate.

For the State : Mr. Satya Nand Shukla, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 24-11-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Darpa P.S. Case No.35 of 2017 registered under Sections 406, 409 and 420/34 of the Indian Penal Code.

The accusation is that on the complaint of one Ajay Kumar regarding the irregularities committed in the Scheme of Plantation in between the village-Vishunpurwa to the field of Ajay Kumar, enquiry was made and irregularities were detected for which Omprakash Kumar, Panchayat Rojgar Sewak (petitioner), Devesh Chandra Pradhan, the then Technical Assistant, Md. Aslam, the then Junior Engineer, and Smt. Amrita Devi, the then Mukhiya, were responsible.



Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that neither the contents of enquiry report is detailed in the F.I.R. nor the enquiry report is made the part of the F.I.R. It is also not detailed in the F.I.R. that what amount was embezzled by the accused, named in the F.I.R., including the petitioner. Due to dirty village politics, the petitioner, who is Panchayat Rojgar Sewak, has falsely been implicated in this case alongwith others. Further submission is that Amrita Devi, who is the Mukhiya of the Panchayat, has already been granted the privilege of pre-arrest bail by a Bench of this Court vide order dated 21.11.2017 passed in Criminal Misc. No.55234 of 2017. The petitioner has no criminal antecedent.

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) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Raxaul, East Champaran at Motihari, in connection with Darpa P.S. Case No.35 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

U		T	
---	--	---	--

