IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5992 of 2017

Arising Out of PS.Case No. -114 Year- 2016 Thana -CHAKAI District- JAMUI

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Ranjeet Kumar Sinha, Son of Late Raj Kishore Prasad Sinha, Resident of Mohalla-Barmashia, P.O.+P.S. & District-Deoghar (Jharjkhand).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ashish Giri, Advocate.
For the Opposite Party/s : Mr. Dinesh Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 16-02-2017 Heard learned counsel for the petitioner and the State.

The petitioner seeks anticipatory bail in a case instituted for the offence under Sections 420 and 409 of the Indian Penal Code.

It is alleged in the written report filed by Rajiv Ranjan, Block Development Officer, Chakai, on the basis of letter of District Magistrate, Jamui, that in the year 2013-14, the petitioner in the capacity of Nazir, Chakai Block, illegally withdrew Rs.11,00,000/- from account No. 31555489420 under the head of Indira Awas Yojana standing in State Bank of India, Nawadih-Silphari Branch in five installments as indicated in the written report. It is further alleged that in the cash book it was not entered nor it was disbursed in the account of beneficiaries of

Indira Awas Yojana. It is further alleged that total balance of subsidiary cash book under different head comes to Rs.7,78,36,078.80/- on 11.5.2015 but balance in general cash book under the head of Bank statement, temporary advance unposted vouchers and single lock comes to Rs.7,90,68,690.95. It is further alleged that in subsidiary cash book an amount of Rs.2,77,500/- and on pages 163 to 167 amounting to Rs.60,09,541/- have been paid by mentioning only Cheque numbers without mentioning the name of beneficiaries which is dereliction of duty. It is further alleged that the petitioner did not make over charge as yet in spite of several direction under different letters as mentioned which also strengthened the case of misappropriation of money by the petitioner.

It has been submitted on behalf of the petitioner that the money during financial year 2013-14 was withdrawn on the basis of Cheque issued by the Block Development Officer, Chakai, and the petitioner was not the sanctioning authority. The said Cheque was issued for meeting the expenses for organizing camp in 23 Panchayats of other blocks to identify the different beneficiaries of Indira Awas Yojana. The said amount was not disbursed as alleged in the First Information Report which is appearing from the letter of appointment issued by the Deputy

Development Commissioner, Jamui, dated 4.12.2013. It has further been submitted that this is a matter of accounting and, hence, no criminal offence is made out.

The learned A.P.P. has submitted that there is direct allegation against the petitioner of misappropriation of government money. He has also not handed over the charge in spite of several letters. It is further submitted that from the order of the learned Sessions Judge itself, it is clear that the witnesses have supported the case of misappropriation against the petitioner during investigation before the police.

The learned Sessions Judge has mentioned in the impugned order that present Nazir of Chakai Block and Assistant of Chakai Block, in their statement in Paragraphs 10 and 11 of the case diary have supported the allegation of illegal withdrawal of money from Indira Awas Yojana which was not mentioned in the cash book of Nazarat. It has been mentioned in paragraph 28 of the case diary that I.O. verified the allegation made against the petitioner from Manager, SBI Branch Nawadih-Silphari, and he found that account No. 3155489420 which is running in the name of B.D.O. Chakai shows illegal withdrawal of the petitioner which is not mentioned in the cash book. The learned Sessions Judge has further mentioned in the impugned order that paragraph-35 of the case diary clearly indicates that the petitioner is absconding by locking Almirah, due to which evidence of defalcation could not be gathered by the I.O.

In this manner, since there is serious and direct allegation against this petitioner of misappropriating the government money which also finds support from the case diary, this Court does not find it a fit case for grant of anticipatory bail to the petitioner.

The prayer for anticipatory bail of the petitioner stands rejected.

The petitioner is directed to surrender before the court below and pray for regular bail.

(Sanjay Priya, J)

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