

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49074 of 2016

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

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Ramlakhan Kamat son of Late Shiv Kamat resident of Village- Jagatpur,
P.O.- Barai, P.S.+District- Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Adv.

For the Opposite Party/s : Mr. Abhay Kumar – 1, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 24-03-2017 Heard both sides.

The petitioner apprehends his arrest in Supaul P.S.
Case No. 352/2016, registered for the offences punishable under
Sections 406, 409, 420, 120B of the Indian Penal Code.

The District Programme Officer, Supaul alleged that
under different schemes of the year 2012-13 and 2011-12 no work
was done and the payment was made. Under different scheme
there was construction of well, but payment was made without
measurement. It is further alleged that without plantation of trees
payments were made under different schemes.

Learned counsel for the petitioner submits that
enquiry was held and two persons were exonerated when they
deposited the amount said to have been defalcated by them. The



informant made three persons accused namely, Pratush Anand Panchayat Rozgar Sewak, Ved Prakash Panchayat Technical Assistant including the petitioner Ramlakhan Kamat Mukhia.

Learned counsel for the petitioner submits that the petitioner is made accused on the basis of defective enquiry report. The petitioner filed a petition before the Collector vide annexure-4 for holding a fresh enquiry with regard to non-execution of different schemes. The Collector asked the D.D.C. to hold fresh enquiry and the petitioner was not found guilty of any embezzlement, but from perusal of the enquiry report, it appears that the petitioner was the Mukhia of gram panchayat and under his supervision different schemes were to be executed. It transpired that the petitioner did not construct any well, but payment was made without measurement.

The enquiry report suggests that under one scheme there is no new plantation of trees in another scheme, 200 plants were planted, but only one plant was found alive. Similarly, in another scheme out of 400 plants sown only 76 plants were found alive. There appears that petitioner being Mukhia in collusion with others, defalcated huge amount and made payment without measurement.

Considering the facts aforesaid, I am not inclined to



enlarge the petitioner above-named on anticipatory bail.

Accordingly, the same is rejected.

If the petitioner surrenders in the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail, learned court below shall consider the prayer for regular bail of the petitioner on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

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