

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56141 of 2017

Arising Out of PS.Case No. -2 Year- 2017 Thana -SIKANDARA District- JAMUI

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Kedarnath Das, son of Late Panchu Das, Resident of village- Abayed, P.S.-
Haveli Kharagpur, District- Munger.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh

For the Opposite Party/s : Mr. Sri Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 27-11-2017

Heard the counsels for the parties.

The petitioner seeks bail in connection with Sikandra
P.S. Case No. 02 of 2017 dated 03.01.2017 instituted for the
offences under Sections 406, 409, 467, 468, 471 and 120(B) of the
Indian Penal Code.

The petitioner is the Panchayat Secretary of Sikandra
block. An enquiry team had visited the Bichhbey Panchayat of
Sikandara block and had found that from the schemes of 14th
Finance Commission, money was taken in advance by the
Mukhiya, the co-accused viz. Onkar Prasad and the petitioner,
who at the relevant time was working as Secretary of the
Panchayat. It is alleged that the advance money was withdrawn
without necessary formalities i.e. without the measurement book



being updated and taking of prior approval. The allegation is that because of such financial irregularities, Rs. 23 lakhs and odd were unduly withdrawn and misappropriated.

Mr. Jugal Kishore, learned senior counsel for the petitioner has submitted that the enquiry report itself suggests that work was done, but only because there was no indication by way of a sign board that the work relating to the 14th Financial Commission is being carried out, it could not be identified whether the work was done properly. However the report clearly indicates that there were some irregularities in withdrawing payments without updation of the MV book and observing other formalities.

It has also been submitted that the petitioner is facing departmental proceeding and is ready to participate in the investigation and provide all information.

From the records, it appears that some work was done in connection with the schemes in the aforesaid Panchayat and advance money was taken without observing necessary formalities.

Taking into account the fact that the petitioner is ready to participate in the investigation and has also been proceeded against departmentally, this Court is inclined to grant bail to the petitioner.



The petitioner above named is directed to be released on bail on furnishing his bail bond of a sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Sikandra P.S. Case No. 02 of 2017.

The petitioner shall, however, be under an obligation to participate in the investigation to the fullest and any attempt of the petitioner to hold back or withhold information from the police would entitle the State to proceed ahead for cancellation of the bail granted to the petitioner. The petitioner shall visit the police station as and when required of him by the investigating officer.

(Ashutosh Kumar, J)

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