

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26632 of 2017

Arising Out of PS.Case No. -363 Year- 2016 Thana -BELHAR District- BANKA

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Sanjeev Kumar Mandal, son of Saryug Mandal, Resident of Village- Purani Rata, P.S.- Belhar (Khesar), District- Banka, at present Mukhiya of Gram Panchayat Rata, P.S.- Belhar (Khesar), District- Banka.

..... Petitioner/s

Versus

The State of Bihar.

..... Opposite Party/s

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with

Criminal Miscellaneous No.17455 of 2017

Arising Out of PS.Case No. -363 Year- 2016 Thana -BELHAR District- BANKA

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Shambhu Sharan, Son of Tekan Pandit, Resident of Village- Ratanganj, P.O. Sakutia, P.S. Gopalpur, District- Bhagalpur, At Present - Junior Engineer, Manrega, Fulli Dumar Block in the district of Banka.

..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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with

Criminal Miscellaneous No.22060 of 2017

Arising Out of PS.Case No. -363 Year- 2016 Thana -BELHAR District- BANKA

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Manoj Kumar Das, Son of Jagdish Das, Resident of Village- Dharmpur, P.S.- Shambhuganj, District- Banka.

..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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with

Criminal Miscellaneous No.22916 of 2017

Arising Out of PS.Case No. -363 Year- 2016 Thana -BELHAR District- BANKA

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Vimal Kishore Chakroverty, son of Shaligram Chkroverty, resident of Village- Changeri, P.S.- Barahat, District- Banka.

..... Petitioner/s

Versus



The State of Bihar.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.26632 of 2017)

For the Petitioner/s : Mr. Rana Pratap Singh, Advocate.

For the Opposite Party/s : Mr. Nityanand, A.P.P.

(In Cr.Misc. No.17455 of 2017)

For the Petitioner/s : Mr. Dronacharya, Advocate.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, A.P.P.

(In Cr.Misc. No.22060 of 2017)

For the Petitioner/s : Md. Nurul Hoda, Advocate.

For the Opposite Party/s : Mr. Bisheshwar Ram, A.P.P.

(In Cr.Misc. No.22916 of 2017)

For the Petitioner/s : Md. Nurul Hoda, Advocate.

For the Opposite Party/s : Mr. Bisheshwar Ram, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 08-08-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Belhar (Kheshar O.P.) P.S. Case No. 363 of 2016 instituted for the offence under Sections 420, 406 and 409 of the Indian Penal Code.

It is alleged in the written report by the informant who was Programme Officer that during course of joint enquiry of Manrega Scheme No. 02 of 2015-16 for putting soil, Morang and construction of small bridge in village Dhankuria up to the Kodwa Parti land to Road, it was found that irregularities have been committed by these petitioners along with other accused persons in the Scheme and they have defalcated the government money to



the tune of Rs.1,59,969/-. The enquiry was conducted by Executive Engineer, (Manrega) and District Minority Welfare Officer, Banka, which is part of the First Information Report. In the aforesaid enquiry, it was held that Rs.1,59,969/- is recoverable from the cost of the total project amount. The enquiry report is quite detailed. There is mention of several irregularities which have been committed by the petitioners in the aforesaid Manrega project.

The counsel for the petitioners has submitted that in the case diary several witnesses have stated that they have worked in the Project as labourers and in rainy season, the soil has been washed away. The counsel for the State has submitted that it is stated in the enquiry report which is part of the First Information Report that for such washing away of the soil, the enquiry officer has given benefit of 10 per cent of the total Project amount.

The learned A.P.P. has further submitted that it has come in paragraphs- 55 and 56 of case diary that the matter of irregularity was published in the newspaper. Thereafter, on the basis of news published regarding irregularities committed by the accused persons (petitioners), the enquiry was set up and the enquiry officer found the irregularities committed by the petitioners.



As such, this Court is not inclined to grant anticipatory bail to the petitioners.

Prayer for anticipatory bail of the petitioners stands rejected.

Petitioners may surrender and make prayer for regular bail which shall be disposed of by the court below in accordance with law without being prejudiced by this order. The court below may consider the prayer for bail of the petitioners on their surrender in accordance with law in the event they offer to deposit the money alleged to have been defalcated by them.

(Sanjay Priya, J)

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