

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.323 of 2017

Arising Out of PS.Case No. -411 Year- 2016 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

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Dharmdeo Prasad S/O Late Bhola Prasad Resident of Village- Dubaha,
Police Station - Sakara, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sachin Kumar

For the Opposite Party/s : Mr. Mustaque Alam

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 20-04-2017 Show-cause has been filed on behalf of the District
Magistrate, Muzaffarpur and Block Agricultural Officer, Sakra
Block, in the district of Muzaffarpur. The same be kept on record.

Heard learned counsel for the petitioner and the learned
counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection
with Muzaffarpur Town P.S. Case No. 411 of 2016 for the
offences instituted under Sections 420, 467, 468, 409 and 120(B)
of the Indian Penal Code.

It was submitted by learned counsel for the petitioner
on 29.03.2017 on 13.01.2017 that out of 25 Gobar Gas Plants, 09
plants are in functional stage and remaining 16 Gobar Gas Plants
could not be completed as the beneficiaries are not ready to



participate 50% contribution in construction of Gobar Gas Plants. On the said submission made on behalf of the petitioner, learned counsel for the State was directed to seek instruction in respect to the same from the Block Agricultural Officer, in the district of Muzaffarpur. In pursuance to the said order, the show-cause has been filed on behalf of the District Magistrate, Muzaffarpur. Para- 9, 10, 11 and 12 of the said show-cause are as follows:-

(9) That it is pertinent to say that there was no any forwarding letter or any instruction to the petitioner by the Block Agricultural Officer, Musahari Block of District Muzaffarpur. The law is well settled that firstly whatever the petitioners come from beneficiaries of the said village that must be forwarded by Block Agricultural Officer, Muzaffarpur but the same has not been adopted by the petitioner in the alleged case.

(10) That the deponent gathered information from the Kisan Salahkar of the alleged villages who has said that the petitioner has constructed nine Gobar Gas Plants but they are not in functioning condition and several equipment's also has been left to install in the said Gobar Gas Plant by the petitioner. Hence actual and physical status is that the nine Gobar Gas Plants which



are said to be in functional condition by the petitioner is quite illegal and are not completely functioning stage.

(11) That so far rest 16 (sixteen) Gobar Gas Plants which was to be constructed by the petitioner. In this regard, the deponent has to say that no any work with regard to the above 16 Gobar Gas Plants nothing has been done by the petitioner at the spot.

(12) That in left 16 Gobar Gas Plants, no any steps has been taken for constructing the same by the petitioner hence the question of depositing 50% contribution by the beneficiaries does not arise as the petitioner is not taking any step to construct the same.

Admittedly, the submission made on behalf of the petitioner is incorrect. Today it has been submitted on behalf of the petitioner that for a similar offence, he has been granted bail in other case. The petitioner has been made accused due to mistake of fact. The allegations made in the F.I.R. are denied by the petitioner.

On behalf of the State, it has been submitted that there is a misappropriation of public money by the petitioner. Such practices have become common, where the welfare plans are not being able to reach to the common man. Due to which, the



common citizen of this country are being put to suffer. Hence, in the social interest, it is not proper to grant him anticipatory bail.

Considering the aforesaid facts and circumstances and show-cause filed on behalf of the District Magistrate, Muzaffarpur, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Muzaffarpur Town P.S. Case No. 411 of 2016, pending in the court of learned Chief Judicial Magistrate, Muzaffarpur.

Any how, if the petitioner surrenders in the court below within a period of six weeks from today, the same shall be considered on its own merit without being prejudiced by this order, taking into account the submissions made on behalf of the petitioner, if possible, preferably on the same day.

(Sudhir Singh, J)

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