

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72438 of 2018

Arising Out of PS. Case No.-185 Year-2018 Thana- GOH District- Aurangabad

Ravi Shankar Sharma Son of Late Dharendra Sharma @ Late Birendra Sharma Resident of Village-Akuri P.S. Goh District Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Sri Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 20-12-2018 Heard the learned counsel for the petitioner, Mr. Nitesh Kumar, learned counsel who has appeared on behalf of Vishnu Kant Sharma, an agnate of the petitioner on whose complaint the FIR has been lodged by the Programme Officer, MANREGA, Goh Block and the State.

The petitioner seeks bail in anticipation of his arrest in connection with Goh P.S. Case No. 185 of 2018 dated 23.08.2018 instituted for the offences under Sections 406 and 420 of the Indian Penal Code.

From the perusal of the FIR, it appears that on the complaint of one Vishnu Kant Sharma, the Lokpal made some inquiry with respect to the work executed under the MANREGA scheme. The Lokpal indicated that there were certain lapses and those lapses have been noted down in the FIR. Some of the lapses found by the Lokpal only pertain to minor departure from the agreement. Otherwise also, it has been argued, the lapses



do not clearly indicate embezzlement of any fund.

Mr. Pradhan, learned senior advocate has further indicated to this court that for the execution of the work under the aforesaid MANREGA scheme, apart from Mukhiya there are other persons also who are required to oversee the execution of the work. It has further been submitted that a hyper technical approach had been adopted by the Lokpal in finding the lapses in the work and directing for institution of FIR.

In any view of the matter, since there is no allegation that no work was done and the entire money has been siphoned off, the petitioner above named is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Goh P.S. Case No. 185 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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