

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20398 of 2018

Arising Out of PS. Case No.-302 Year-2017 Thana- BAKHRI District- Begusarai

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Dinesh Prasad Sahni, S/o Shri Prabhu Narayan Sahni, R/o Village- Cheria
Bariarpur, P.O.- Siripur, P.S.- Cheria Bariarpur, District- Begusarai (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aaruni Singh, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-04-2018 Heard learned Counsel for the petitioner and learned APP
for the State.

The petitioner, being the Panchayat Secretary is apprehending arrest in a case registered for the offences punishable under Sections 409, 420 and 120B of the Indian Penal Code.

The prosecution case got initiated on the basis of written report dated 01.12.2017 submitted by Rajesh Kumar Rajan, addressed to the Station House Officer, Bakhri Police Station to the effect that as per the letter of the District Magistrate, Begusarai, dated 20.11.2017, 30 units of handpumps under scheme no. 01/2016-17 and 02/2016-17 were to be fixed in Gram Panchayat Salauna under the 14th Finance Commission, but without obtaining technical administrative sanction



Rs.8,15,000/- has been withdrawn in October, 2016, but the work of fixing of handpump has not been started.

It is submitted by learned counsel for the petitioner that ordersheet of the gram panchayat has been brought on record as Annexure-2, suggests that the technical and administrative sanction was granted, but the said fund was released in favour of the agent/executor Anil Kumar after an agreement was entered into between the Panchayat Mukhiya and Anil Kumar. Anil Kumar has accepted the fact that he has received the entire amount through cheque and he is ready to return the said amount. It is further submitted that on the recommendation of the panchayat Mukhiya, the alleged amount has been released. The petitioner is the co-signatory with Panchayat Mukhiya on the cheque, but such signature has been made on the direction of Panchayat Mukhiya and now the petitioner is at the verge of retirement. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur learned APP for the State that the alleged amount was given to the agent, which is admitted fact, but the work was not done on spot.

Considering the rival submissions of the parties in view of the fact that the thrust of accusation against Panchayat



Mukhiya and the admission of the agent/executor Anil Kumar that he has received the alleged money through cheque, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-V, Begusarai, in connection with Bakhri P.S. Case No.302 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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