

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45852 of 2018

Arising Out of PS. Case No.-122 Year-2014 Thana- KARPI District- Jehanabad

Jhalakdeo Paswan S/o Shiv Nandan Paswan, R/o Vill.- Pachkeshar, P.S.-
Arwal, District- Arwal.

... .. Petitioner/s

Versus

The State of Bihar Through S.p. Vigilance Investigation Bureau, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar

For the Opposite Party/s : Mr. Dr. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 27-08-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Special case no. 75A
of 2014 (arising out of Karpi P.S. case no. 122 of 2014)
instituted for the offence under Section(s) 420, 406 and 409/34
of the Indian Penal Code.

Learned counsel for the petitioner has submitted that in
the written report there is specific allegation against Brajesh
Kumar who was president of the N.G.O., namely, Magadh
Samaj Kalyan and Organizer of the said NGO, namely, Ranvijay
Kumar of having connived with the P.H.E.D. personnel and
committing several irregularities in the construction of the toilet
in Tola Gharana and Pachu Bigha village under the Karpi Block
and without construction of the toilets they have fraudulently



withdrawn and misappropriated the money meant for the said purpose and they falsely produced the list of the villagers (beneficiaries) in order to withdraw the huge amount. It is further alleged that money was withdrawn in the name of the villagers of village Rampurchai whose toilets were not constructed. It is also alleged that the aforesaid accused persons also committed forgery with the families falling under A.P.L. and B.P.L. categories and officials of P.H.E.D. were also involved in this fraud.

Learned counsel for the petitioner has submitted that petitioner is not named in the written report. His name has come during investigation on the basis that he has put some signatures on the voucher. Petitioner has no concern with the N.G.O. He was posted as a clerk on contract basis in the P.H.E.D. office. He has put his signature on the voucher in good faith on the basis of verification and identification of the Accounts Clerk Sri Chandra Shekhar Kumar of Arwal P.H.E.D.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Special case no. 75A of 2014 (arising out of Karpi P.S. case no. 122 of 2014), he shall



be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, Vigilance-1st, Patna, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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