

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62960 of 2017

Arising Out of PS.Case No. -124 Year- 2017 Thana -PIPRAHI District- SHEOHAR

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Kishun Deo Diswa, S/o Sri Dilip Diswa, R/o Village- Para Biswariya,
Police Station- Gaunaha, in the District of west Champaran , Bettiah at
Present posted as Executive Engineer, P.H. Division, Supaul, District-
Supaul.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Opposite Party/s : Mr. Sri Bharat Bhushan

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-01-2018 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Piprahi PS case no. 124 of 2017 registered for
the offences punishable under Sections 409, 420, 201 and other
sections of Indian Penal Code.

The accusation is that on receiving the written
complaint dated 29.03.2017 of Ruby Devi, *Mukhiya Gram*
Panchayat, Abhirajpur Bairiya of Block Tariyani about
misappropriation of the money allocated for construction of toilet
to the villagers in *Gram Panchayat* Abhirajpur by the then
Mukhiya Dharmendra Kr. Singh, an inquiry was made on the



instruction of the District Magistrate, Sheohar. In the inquiry, it was detected that in *Gram Panchayat*, Abhirajpur on physical verification, 1519 beneficiaries were found, who constructed toilet whereas 626 beneficiaries while had availed cash for construction of the toilet, but they did not construct the toilet, whereas 900 beneficiaries did not allow the physical verification of the so called constructed toilet. Thereafter, on the basis of the enquiry report of Executive Engineer, PHED Sheohar, FIR was lodged against the then *Panchayat Mukhiya* Dharmendra Kr. Singh and 23 others, including the petitioner, who was the then Executive Engineer, PHED.

The learned counsel for the petitioner submits that the petitioner was posted as Executive Engineer PHED in the Sheohar district in between the period 09.11.2015 to 05.01.2016. It is further submitted that after that period from 06.01.2016 to 08.07.2016, one Satyendra Prasad was posted in the same capacity in the same district. It is further submitted that the allegation against the petitioner and the said co-accused Satyendra Prasad is that they did not properly supervise the earlier construction work and did not report about the discrepancies/ defalcation to the District Magistrate and on the same and common allegation, both the accused persons i.e. the petitioner herein and said Satyendra



Prasad have been made accused in the present case. It is next submitted that the said Satyendra Prasad who is similarly situated to the petitioner herein, has already been granted anticipatory bail by this Court by order dated 19.12.2017 passed in Cr.Misc. no. 60914 of 2017.

Having regard to the facts and circumstances of the case, more particularly, the factum of parity of the case of the petitioner herein with that of the co-accused Satyendra Prasad, I deem it fit and appropriate to enlarge the petitioner on anticipatory bail.

Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate-1st class, Sheohar in connection with Piprahi PS case no. 124 of 2017 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J.)

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