

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48688 of 2014

Arising Out of PS.Case No. -8 Year- 2012 Thana -BIBHUTIPUR District- SAMASTIPUR

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Ganesh Rai, son of Late Manton Rai, resident of village and P.O. Dashauth, P.S. Hathori, District - Samastipur, at present posted as a Panchayat Secretary, Bibhutipur, Block - Bibhutipur District - Samastipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 20-02-2018

Heard learned counsel for the petitioner as well as learned counsel for the State.

2. Petitioner seeks quashing of cognizance order dated 13.02.2014 passed by Judicial Magistrate, 1st Class, Rosera in Bibhutipur P.S.Case No. 08 of 2012 thereby taking cognizance of offence under Sections 406, 409, 419 and 420/34 of the Indian Penal Code.

3. The short fact giving rise to the case is that petitioner was, at the relevant point of time, Panchayat Sachiv and allegation is that in the financial year 2006-07 solar lights were installed in the village, incurring huge expenditure but substandard solar lights were purchased and it remained functional only for a month thereafter went out of order. In the Indira Awas Scheme also, favour was made to



illegible persons, defaulcation was made in the subsidy of diesel given to the farmers and forged withdrawal was made under the MANREGA Scheme and also in the matter of installation of hand pipes.

4. Learned counsel for the petitioner submits that after a lapse of four years, case was instituted and petitioner has not misappropriated any money as solar lights were installed by him, so no case is made out and rest other allegations are of the year 2010-11.

5. Allegation against the petitioner is that he got installed substandard solar lights which only functioned for a month, thereafter it became unfunctional and those purchase and installation was made in the year 2006-07 while he was a Panchayat Secretary and no paper relating to purchase was given by him moreover evidence has been collected in the inquiry as well as in the investigation, so it's not that no *prima facie* case is made out against him. Hence, this application stands dismissed.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
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