

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6419 of 2018

Arising Out of PS.Case No. -389 Year- 2016 Thana -SARAIYA District- MUZAFFARPUR

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Ramshresth Prasad Singh @ Ramshresth Singh, Son of Late Uchit Singh,
Resident of Village-Cheraila, P.S.-Gaighat, District-Muzaffarpur (Retd.
Gram Panchayat Sachiv Gram Panchayat Raj Repura Rampur Vishwanath
Block and P.S.-Saraiya, District-Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan

For the Opposite Party/s : Mr. Sri Dilip Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 01-02-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections 409
and 420/34 of the Indian Penal Code.

The prosecution case as per the written
report of Block Development Officer, Saraiya submitted to the
Station House Officer of Saraiya Police Station on 09.11.2016 is
to the effect that the petitioner being the then Panchayat
Secretary of Gram Panchayat Repura Rampur Vishwanath in
league with Panchayat Mukhiya Ram Pravesh Rai
misappropriated the funds in various schemes in the year 2006.

It is submitted by learned counsel for the



petitioner that the accusation is of misappropriation of fund in 2006 when the petitioner was posted as Panchayat Secretary on 28.11.2011 and superannuated in September 2016. The petitioner executed the scheme in 2012-13 being Scheme No. 02 of 2013-14, which has been executed and the balance amount has been deposited in the Panchayat. The same has been found true by the Additional Collector during enquiry. It is further submitted that on the basis of the finding that no substantial material has been attributed, co-accused Ram Pravesh Rai has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 21.06.2017 passed in Cr. Misc. No. 9392 of 2017.

Learned APP submits that the accusation is specific against the petitioner.

Considering the fact that the petitioner was not posted in the Panchayat in the alleged year of the accusation coupled with the fact that the petitioner has already retired and co-accused Panchayat Mukhiya has been granted anticipatory bail, 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of



the like amount each to the satisfaction of learned Sub-Judge 1st
–cum- Additional Chief Judicial Magistrate (West), Muzaffarpur
in connection with Saraiya P.S. Case No. 389 of 2016, subject to
the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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