

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46233 of 2018

Arising Out of PS. Case No.-37 Year-2018 Thana- DEO District- Aurangabad

Surendra Ram, S/o Late Rambilas Ram, resident of Mohalla- Tikari Road, S. D. Hospital Road, North of Shivam Computer, P.S.- Town, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Parmod Pd. Chaurasia, s/o Sri Ram Bilash Mukhia, Village- Arora, P.O.- Arora, P.S.- Deo, District- Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dharendra Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Awadhesh Kumar Singh, APP
For the Informant	:	Mr. Santosh Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

6 17-12-2018 Heard learned counsel for the petitioner, State and the informant.

The petitioner apprehends his arrest in connection with Deo P.S. Case No. 37 of 2018 for the offence under Sections 420, 406, 409, 467, 468 and 471 of the Indian Penal Code.

Earlier in connection with defalcation of Rs. 42,72,500/- of the Chief Minister Seven Nischaya Yojna fund, the petitioner (Panchayat Secretary) and the informant (Mukhiya of the Panchayat) were made accused. Both the petitioner and the informant were saddled with the obligation to pay 50% of the said amount i.e. Rs. 21,36,250/- and on that basis the petitioner as well as the informant were granted



anticipatory bail by a Co-ordinate Bench of this Court vide order dated 03.08.2018 and 23.08.2018.

The present case involves the same issue with regard to abuse of the fund of Chief Minister Seven Nischaya Yojna. The first case was originated from the F.I.R. and the present case is based on the complaint petition and in terms of the direction of the Magistrate under Section 156 (3) of the Cr.P.C., the complaint case has been registered as Deo P.S. Case No. 37 of 2018.

Learned counsel for the petitioner and the informant agrees that both the cases are triable by the Magistrate.

Considering the aforesaid and the fact that in relation to the same amount of Chief Minister Seven Nischaya Yojna fund the petitioner and the informant have been granted anticipatory bail on deposit of 50% defalcated amount each, the petitioner named above, in the event of arrest or surrender before the court below within one month from today, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Aurangabad in connection with Deo P.S. Case No. 37 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure with the further condition that the petitioner shall not in any manner cause delay in disposal of the pending cases. Since both the cases arises out of same fund of Chief Minister Seven Nischaya Yojna, this Court directs the District & Sessions Judge, Aurangabad to see that both the matters are referred to the same Magistrate so that the present case and Deo P.S. Case No. 44 of 2018 are tried simultaneously to avoid contradictory judgment on the point.

(Anil Kumar Upadhyay, J)

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