

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.623 of 2018

Arising Out of PS.Case No. -152 Year- 2017 Thana -KAKO District- JEHANABAD

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1. Jogendra Paswan, S/o Late Mungeshwar Paswan, resident of Village Salampur, P.S. Kako, District Jehanabad, former Mukhiya of Gram Panchayat Salampur, P.S. Kako, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Dayal

For the Opposite Party/s : Mr. Sri Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

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

The petitioner seeks pre-arrest bail in connection with Kako P.S.Case No. 152 of 2017 registered under Sections 468, 409, 420 and 34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner that the FIR has been instituted after seven years of the alleged defalcation, which was made in execution of the Government scheme of the financial year 2009-10. It is further contended that the petitioner being Mukhia of Gram Panchayat Salampur was not the recipient of the money and the entire advance was in the name of Panchayat Secretary, namely, Dilip Kumar Gupta and Krishnadev Pandit, who have already died. He submitted that the petitioner has no criminal antecedent and



having roots in the society is not likely to abscond or tamper with the evidence.

On the other hand, learned counsel for the State submitted that Rs.3,53,084/- was shown as advance by the Panchayat Secretary during financial year 2009-10 but during the relevant period the Panchayat Secretary, namely, Dilip Kumar Gupta and Krishnadev Pandit as well as the petitioner, who was Mukhia, did not submit any paper that the fund was utilized and no audit report was submitted in this regard and, thus, the petitioner cannot escape from the liability in this case.

Be that as it may, regard being had to the inordinate and unexplained delay in lodging the FIR, in the event of arrest or surrender before the court below within four weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-cum-Sub Judge IV, Jehanabad in connection with Kako P.S.Case No. 152 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Pradeep/-

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