

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44132 of 2017

Arising Out of PS.Case No. -199 Year- 2014 Thana -BHAGWANPUR District-
VAISHALI(HAJIPUR)

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Mayanand, son of Shri Indra Kumar Prasad, Resident of Village- Ataunatur,
Ward No. 13, Post- Lalganj, P.S.- Lalganj, District Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyabir Bharti, Advocate.
Mr. Alok Chandra, Advocate.

For the Opposite Party/s : Mr. Binod Kumar 3, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 11-04-2018 Supplementary affidavit filed on behalf of the
petitioner, be kept on record.

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Bhagwanpur**
P.S. Case No. 199 of 2014 instituted for the offence under
Sections 420, 467, 468, 471, 406, 409 and 34 of the Indian Penal
Code.

It is alleged in the written report filed by the
Programme Officer, Bhagwanpur, Distt. Vaishali, that on the
order of District Magistrate, Vaishali a three member Enquiry
team was constituted for examining MANREGA Scheme at Gram
Panchayat Asoi Lacchiram. The Committee submitted its report



dated 2.9.2014 to the District Magistrate stating that out of six schemes so inspected, an amount of Rs.7,42,709/- is deemed to have been defalcated. The Committee has recommended action against Shri Ravindra Singh, Mukhiya, Gram Panchayat, Asoi and Shri Mayanand (petitioner) who is Panchayat Rozgar Sewak.

Earlier vide order dated 10.04.2018 petitioner was directed to file supplementary affidavit to show that he has completed the Projects vide order dated 3.4.2018. The detailed supplementary has been filed on behalf of the petitioner.

Learned counsel for the petitioner has submitted that he has categorically given a chart in paragraph-8 of the bail petition demonstrating that no defalcation has been made by the petitioner. The petitioner has also given in detail in paragraphs 3 and 4 of the supplementary affidavit that some work has not even been started. The petitioner has already worked, for which, measurement book has been prepared. It has further been submitted that report of three Member enquiry team was submitted before the District Magistrate without even giving opportunity to this petitioner to explain about the allegation for which the enquiry was done.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the



event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Bhagwanpur P.S. Case No. 199 of 2014**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Vaishali**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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