

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1932 of 2018

Arising Out of PS.Case No. -287 Year- 2017 Thana -NOKHA District- SASARAM (ROHTAS)

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Manoj Kumar Singh, Son of Chandrama Singh, Resident of Village-Delhua, Police Station-Dinara, District-Rohtas at Sasaram. at Present residing at Ward No.-10 Mohalla Fazalganj (Geeta Ghat Colony), Sasaram, Police Station-Sasaram, District-Rohtas.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 13-02-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Nokha P.S.**

Case No. 287 of 2017 instituted for the offence under Sections 409 and 420 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that the In-charge Panchayat Secretary has given statement in paragraph-17 of the case diary before the police that no purchase of LED light was done by the petitioner from the 13th Finance Commission. Learned counsel for the petitioner has pointed out Annexure-2A which is letter of the Government of Bihar wherein in clause-3 it is mentioned that the money was allotted in 14th Finance Commission. In the said clause the LED light was also



mentioned along with others for development of the village.

As per written report of the informant who is Block Development Officer, this petitioner did not follow the rule regarding purchase of LED light in the aforesaid Panchayat. It is alleged that this petitioner is responsible because the amount was sanctioned for development work of other schemes like road, garden, play ground, maintenance of *Kabristan* and *Ashmashan* but the same have not been done and amount has been spent on purchasing of L.E.D. light.

Annexure-2A as pointed out by the learned counsel for the petitioner speaks that in the 14th Finance Commission, LED light was also included in the development work of the village along with other schemes. From that fund of 14th Finance Commission, LED light was purchased. Moreover, in the written report itself it appears that there is no specific allegation against the petitioner of defalcation of any Government money.

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 **Nokha P.S. Case No. 287 of 2017**, 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 Additional Chief Judicial Magistrate, Sasaram**, 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 their 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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