

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.61622 of 2017

Arising Out of PS.Case No. -124 Year- 2017 Thana -PIPRAHI District- SHEOHAR

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Dharmendra Kumar S/o Baleshwar Baitha, R/o Village- Sutihara, P.S.-
Parihar, District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Aditya Narayan Singh 1

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 02-02-2018 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks anticipatory bail in connection
with Piprahi P.S. Case No. 124 of 2017 registered for the offences
punishable under Sections 409, 420, 201 and other Sections of the
Indian Penal Code.

The accusation is that on receiving the written
complaint dated 29.03.2017 of Ruby Devi, *Mukhiya Gram*
Panchayat, Abhirajpur Bairiya of Block Tariyani about
misappropriation of the money allocated for construction of toilet
to the villagers in *Gram Panchayat* Abhirajpur by the then
Mukhiya Dharmendra Kr. Singh, an inquiry was made on the
instruction of the District Magistrate, Sheohar. In the inquiry, it
was detected that in *Gram Panchayat*, Abhirajpur on physical
verification, 1519 beneficiaries were found, who constructed toilet
whereas 626 beneficiaries while had availed cash for construction



of the toilet, but they did not construct the toilet, whereas 900 beneficiaries did not allow the physical verification of the so called constructed toilet. Thereafter, on the basis of the enquiry report of Executive Engineer, PHED, Sheohar, FIR was lodged against the then *Panchayat Mukhiya* Dharmendra Kr. Singh and 23 others, including the petitioner, who was the then Assistant Engineer, PHED.

The learned counsel for the petitioner submits that entire records of the case as well as the case diary would show that there is no material on record to suggest that the petitioner had issued any certificate certifying that the work of the said toilet had been completed by the respective contractor/ concerned persons. It is further submitted that the allegation has been levelled against several accused persons and the petitioner is one of them. It is further submitted that similarly situated persons including the Executive Engineer, posted at the relevant time at the relevant place has already been granted anticipatory bail by this Court. It is further submitted that the petitioner is ready to join the investigation and there are other co-accused persons who are the main conspirers in the present case and they have not been enlarged on bail inasmuch as the prayer for anticipatory bail of Mukhiya of Gram Panchayat namely Dharmendra Kumar Singh has already been rejected, hence no prejudice would be caused to the



prosecution in case the privilege of anticipatory bail is granted to the petitioner.

Having regard to the facts and circumstances of the case, in the event of arrest or surrender before the court concerned within a period of six weeks from the date of receipt/production of a copy of this order, the petitioner above named is directed to be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Judicial Magistrate-1st Class, Sheohar in connection with Piprahi P.S. Case No. 124 of 2017, subject to the conditions as laid down under Section 428(2) of the Cr. P.C.

It is further directed that the petitioner shall join investigation and would be present on each and every date so fixed by the investigating agency for the purposes of interrogation and in case the prosecution finds that the petitioner is not co-operating in the investigation, it would be free to approach this Court for cancellation of the privilege of anticipatory bail being extended to the petitioner by the present order.

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(Mohit Kumar Shah, J)

