

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31293 of 2018

Arising Out of PS.Case No. -129 Year- 2017 Thana -ARA MUFFSIL District- BHOJPUR

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1. Gajendra Choudhary, Son of Late Suresh Choudhary, resident of Village-Korwa, P.S. Ara Muffasil, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dudh Nath Singh

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 27-08-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has been in custody since 01.02.2018
in connection with Ara Muffasil P.S. Case No. 129 of 2017
registered for the offences punishable under Sections
420/406/409/467/468/471/12B/34of the Indian Penal Code.

Learned counsel for the petitioner submits that a sum
of rupees ten lakh was allotted for construction of Rajiv Gandhi
Service Centre under Gram Panchayat, Gothahula bearing Scheme
No. 20 of 2013-14 and the petitioner was the concerned Mukhiya
at the relevant point of time whereas Jayanti Devi was the Agent
under Panchayat Rojgar Sewak Yojana. The petitioner along with
the said Jayanti Devi had embarked on the purchase of building
materials but since 144 Cr. P.C. proceedings ensued over the land



upon which such constructions were to be made, the said construction could not be affected. It is submitted that at the relevant point of time when the enquiry was being conducted, the petitioner and the said Jayanti Devi could not produced the relevant records and, therefore, a report was submitted against them holding them to be guilty of misappropriation of public money. It is further submitted that the petitioner Gajendra Choudhary has filed a rejoinder to the counter affidavit filed by the State giving the receipts for the purchases.

It is further submitted that from a perusal of Annexure-3 to the main petition, it is evident that from 13.09.2013 itself, the land in question came to be the subject-matter of a 144 Cr. P.C. proceedings as it was alleged by certain third party that it was the land belonging to the Barrier Ground (Kabristan). Thus, no further constructions were made over the said plot and the petitioner is now facing prosecution for non construction, though only an amount of rupees three lakhs and eighty five thousand has been spent out of the total amount of rupees ten lakh by the petitioner and payments were made to the different agencies for providing building materials through cheques duly signed by himself as well as the said Jayanti Devi. It is thus, submitted that the petitioner has not committed any offence and only because of



impossibility of situation, the work could not be undertaken or completed by them. He thus, submits that the petitioner may be extended the privilege of bail and that he shall, at all material times, co-operate in the investigation and in the trial which shall ensue.

Having heard learned counsel for the petitioner and learned counsel appearing on behalf of the State and upon consideration of the materials which have been placed before this court in connection with the present case by way of rejoinder to the counter affidavit and also because other co-accused persons have since been extended the privilege of anticipatory bail in Cr. Misc. No. 43037 of 2017, Cr. Misc. No. 15889 of 2018, Cr. Misc. No. 13947 of 2018 vide order date 20.09.2017, 06.04.2018 and 10.04.2018 respectively, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Ara, in connection with Ara Muffasil P.S. Case No. 129 of 2017.

(Anjana Mishra, J)

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