

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5810 of 2019

Arising Out of PS. Case No.-284 Year-2018 Thana- KONCH District- Gaya

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Birendra Kumar @ Birendra Singh, son of Late Kesho Singh, resident of
Village-Mayapur, P.S.-Fatehpur, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar

For the Opposite Party/s : Mr. Raj Ballabh Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 01-02-2019 The petitioner seeks bail in anticipation of his

arrest in connection with Konch P.S. Case No. 284 of 2018

dated 14.09.2018 instituted for the offences under Sections

420, 409 of the Indian Penal Code.

The allegation in the F.I.R is that the amount which

was received by the petitioner in advance, for being

distributed amongst beneficiaries, had not been utilized. The

other allegation in the F.I.R is that the petitioner did not

hand over complete charge to his successor. For the

aforesaid two lapses on the part of the petitioner, the Block

Development Officer wrote a letter to the Officer-in-charge

of the Konch Police Station to register a case against the



petitioner. It also contains another letter by the District Magistrate whereby the petitioner has been put under suspension for the aforesaid charge.

The learned counsel for the petitioner has submitted that petitioner has been falsely framed in the aforesaid case. The amount which was received by him as Panchayat Secretary for the purposes of distribution amongst the beneficiaries has been utilized and most of the vouchers have been deposited. However, some of the vouchers could not be deposited because the Block Development Officer maliciously did not accept the same. Had it not been the case, the letter addressed by the Block Development Officer to the Officer-in-charge of the Konch Police Station would have indicated the detail of the vouchers which was not deposited by him. Making a general statement that the amount of social security was not utilized makes the prosecution case absolutely doubtful. The F.I.R does not contain any detail with respect to the petitioner dilly dallying in handing over the charge to his successor. The petitioner has already been put under suspension. It has



further been submitted that petitioner is in possession of some of the vouchers which have not been accepted by the Block Development Officer for falsely implicating the petitioner. As and when it is demanded by him, the petitioner shall deposit the same.

Considering the aforestated facts, the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, is directed to be released on bail on his furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Konch P.S. Case No. 284 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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