

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8280 of 2019

Arising Out of PS. Case No.-123 Year-2011 Thana- RAFIGANJ District- Aurangabad

Bhola Singh @ Bhola Pd. Singh, Son of Late Pyare Singh, Resident of
Village- Kumar, Police Station- Sinkandara, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur
		Mr. Madan Kumar
For the Opposite Party/s	:	Mr.Chandra Sen Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-02-2019 Heard learned counsel for the petitioner and the
State..

The petitioner is apprehending his arrest in connection with Rafiganj P.S. Case No.123 of 2011 registered for the offences punishable under Sections 467, 468, 471, 409, 34 of the Indian Penal Code.

Prosecution case as per the Complaint No.85 of 2011 filed by Umesh Paswan which came to be register as Rafiganj P.S. Case No.23 of 2011 on 7.7.2011 is to the effect that District and Block Horticulture Officer along with the ministerial staff defalcated the amount allocated for disbursement to the farmers under the Horticulture schemes. The informant under the RTI Act sought the list of beneficiaries of the said scheme in year



2009 and from the District Horticulture Officer, Aurangabad but list does not tally with the list of the actual beneficiaries, and as a result, the informant came to the conclusion that the defalcation of Rs.1,10,250/- has been made by the petitioner.

It is submitted by learned counsel for the petitioner that initially the then Pramukh, Rafiganj preferred a PIL being CWJC No.6930 of 2008 alleging the defalcation of money in the scheme known as Bihar State Horticulture Mission. The said writ petition was disposed of by reasoned order of this Court vide order dated 30.04.2008, as contained in Annexure-2 series with liberty to the Principal Secretary to the Government of Bihar, Department of Agriculture to decide the issue with regard to the defalcation. Consequently, the inquiry was conducted and vide Memo No.113 dated 31st January, 2008, the Deputy Secretary, Department of Agriculture, Govt. of Bihar decided to close the inquiry in view of the inquiry report and the statement of beneficiaries and the receipt of the money being examined and consequently, the appropriate order for closing of the proceeding was passed by the Director Administration, Department of Agriculture vide memo No.864 dated 02.03.2009, as contained in Annexure-2 series. The District Agriculture Officer, Aurangabad intimated to the Sub Inspector of Police, Rafiganj



about closure of the inquiry in view of the auditor report that no defalcation has been made.

Learned A.P.P., however, submits that the accusation is specific of defalcating the schemes and the investigation is still going on.

Considering the fact that the accusation relates to misappropriation of money and complaint made in 2007-08 which was already inquired by the Department of Agriculture, moreover the petitioner has retired from service in April, 2008, the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from the date of receipt of this order, 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 the learned Chief Judicial Magistrate, Aurangabad in connection with Rafiganj P.S. Case No.123 of 2011.

(Dinesh Kumar Singh, J)

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