

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.10652 of 2019**

Arising Out of PS. Case No.-8 Year-2018 Thana- BARUN District- Aurangabad

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Audhesh Ram, Son of Nageshwar Ram, R/o village- Rampur, P.S- Deo  
( Dhibra ) , District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      25-02-2019                      Heard leaned counsel for the petitioner and learned  
APP for the State.

The petitioner is languishing in custody since  
03.07.2018 in a case registered for the offences punishable  
under Sections 409 and 420 of the Indian Penal Code.

The prosecution case as per the written report of  
B.D.O., Baroon submitted to the S.H.O., Baroon P.S. is to the  
effect that in pursuance to the letter dated 07.12.2017, issued by  
District Magistrate, Aurangabad, a departmental enquiry was  
initiated against the petitioner, being Panchayat Secretary, Gram  
Panchayat, Pipra and Jankop Block for non-deposit of vouchers



of the amount to the tune of Rs. 72,500/- under the Dress Scheme for the year 2010-11, Rs. 2,88,240/- under the Scholarship Scheme for the year 2012-13, Rs. 15,50,152/- under the Social Security Pension Scheme for the year 2012-13 and Rs. 5,95,143/- under the Diesel Subsidy Scheme for the year 2012-13. It is further alleged that under Jankop Gram Panchayat Finance Department Scheme No.4 of 2013/14, the petitioner received advance of Rs.1,07,500/- for construction of Anganbari Centre at the village, Santhuwa, under Pipra Gram Panchayat Scheme No. 01 of 2013/14, the petitioner received advance of Rs. 3,57,500/- for construction of Anganbari Centre at the village, Kataha and under Pipra Gram Panchayat Scheme No.07 of 2012/13 and the petitioner received advance of Rs. 3,07,500/- for the construction of Anganwari Centre in the village Kharjana but construction work of all the Anganwari Centre against which the advances were taken, has not been completed by the petitioner.

It is submitted by learned counsel for the petitioner that letter dated 21.01.2019 of the B.D.O., Baroon, reflects that the petitioner has submitted the vouchers worth Rs. 26,75,711/- against the advance taken by him for construction of Anganwari Centres and only Rs.6,02,764/- has remained to be accounted



for. It is further submitted that out of Rs.6,02,764/-, the petitioner has transferred Rs.2,50,000/- in the account of Mukhiya as it is the Mukhiya through whom the work of construction of Anganwari Centre is to be executed. Moreover, the petitioner is ready either to complete the entire construction work or to deposit the remaining amount. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that there is specific accusation against the petitioner.

Considering the fact that the investigation has already been concluded and the petitioner is ready to deposit the balance amount or submit the vouchers within a period of 12 weeks of his release, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned **C.J.M., Aurangabad** in connection with **Baroon P.S. Case No.08 of 2018.**

The learned Court below will accept the bail bonds of the petitioner provisionally for a period of 12 weeks which will



be confirmed by the learned Court below, on deposit of the remaining amount or submission of the vouchers against the remaining due amount within the stipulated time frame, but the bail bonds of the petitioner will not be confirmed by the learned Court below if the petitioner fails to comply the undertakings given before this Court.

**(Dinesh Kumar Singh, J)**

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