

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5049 of 2015**

Arising Out of PS. Case No.-76 Year-2009 Thana- KAKO District- Jehanabad

Ram Manohar Sharan @ Manohar Lal Son of Nageshwari Nandan Prasad
Resident of Village - Kako, House No. 109, P.O. and P.S. - Kako, District -
Jehanabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Navin Kr. Panday, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 25-03-2019

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner has moved the Court under Section 482
of the Code of Criminal Procedure, 1973 for the following relief:

*“That this application is being filed for quashing the
order dated 26/05/2010 passed in Kako P.S. Case No.
76/2009, G.R. No. 1264/2009, T.R. No.
2295/2011/1394/2014 by Learned Chief Judicial
Magistrate Jehanabad by which the learned Court
below has taken cognizance against the accused
persons alongwith this petitioner and further directed
the office to issue summons against them.”*

3. The allegation against the petitioner and others is that
the payments with regard to work done under MNREGA were
illegally/fraudulently withdrawn by the concerned Panchayat



Rojgar Sewak in connivance with the petitioner, who was a postal employee.

4. Learned counsel for the petitioner submitted that he is only a postal employee. Learned counsel submitted that none of the beneficiaries has stated anything with regard to the petitioner and the allegation is only with regard to Panchayat Rojgar Sewak namely Babloo Kumar.

5. Learned A.P.P. submitted that the police have found complicity of the petitioner as he, being the employee of the Postal Department, was party to payment being made to said Babloo Kumar on the passbooks of various beneficiaries without them being physically present. It was submitted that the petitioner, thus, cannot claim innocence on the basis of beneficiaries not taking his name because they never knew as to from whom the money was taken and the police have rightly found the complicity of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find any merit in the present application.

7. For the present, it cannot be said that the petitioner had no role in making payment when the prosecution case is that Babloo Kumar withdrew money on the passbooks of the



beneficiaries and such act not being legal, matters have to be thrashed out in a full trial.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

Anjani/-

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