

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31658 of 2019

Arising Out of PS. Case No.-477 Year-2018 Thana- DINARA District- Rohtas

DEOBANSH PATHAK Son of Sri Jagarnath Pathak Resident of Village -
Pathak Semari, P.S.- Sheosagar, Dist.- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Roy

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 08-08-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 409, 420, 467, 468, 469/34 of the Indian Penal Code registered in connection with Dinara P.S. Case No. 477 of 2018.

3. It is submitted that the petitioner being the Panchayat Secretary has been falsely implicated on the allegation of misuse of funds of Mukhya Mantri Gali Nalli Yojna amounting to Rs. 15,68,200/- for the period May to July, financial year 2017-18. It is submitted that as a matter of fact a Division Bench of this Court in its judgment dated 17.05.2027 passed in CWJC No. 19591 of 2016 (Saran Zila Mukhiya Sangh through its Chairman vs. The State of Bihar through the Chief Secretary and Ors.) and analogous cases (Annexure-2) has quashed the relevant scheme so far they direct for creation of Ward Vikas Samiti and entrust the work to the Ward Vikas Samiti, granting liberty to get the schemes implemented through the Committees already functioning under the Act of 2006 or to take such steps as are permissible in law for implementing the scheme. It is submitted that the relevant schemes have been completed as evident from the measurement book (Annexure-3 series). The petitioner has been made accused in three



other cases of similar nature relating to different Blocks in which he was Panchayat Secretary.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned J.M. Ist Class, Bikramganj, Rohtas, in connection with Dinara P.S. Case No. 477 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioner.
- ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

5. The provisional bail granted to the petitioner shall be confirmed by the learned Court below upon verification within a further period of four weeks after furnishing bail bond, that the schemes in question have been completed in terms of the measurement book (Annexure-3 series). In case the schemes found not to have been completed, his bail bonds shall stand automatically cancelled.

(Vikash Jain, J)

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