

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1233 of 2019

Arising Out of PS. Case No.-239 Year-2014 Thana- CHHATAPUR District- Supaul

Abhinay Bhashkar @ Abhinaw Bhashkar Son of late Arjun Prasad Mandal, the then, Block Development Officer-Cum-Circle Officer, Chhatapur, resident of Mohalla-B.P. Mandal Path, Forbesganj, Near Airtel Tower, P.S.-Forbesganj, District-Araria,

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Binod Singh

For the Opposite Party/s : Mr.Sri Ramchandra Sahani

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 18-01-2019 Heard the parties.

Petitioner seeks pre-arrest bail in Chhatapur P.S.Case
No.239/14 registered under Sections 409, 420 of I.P.C.

Allegation against the petitioner who was Incharge
Circle Officer of Chhatapur Block w.e.f. 04.01.2009 to
08.03.2009 withdrew Rs.5/- crores from the S.B.I. Chhatapur
Branch, Bank A/c No.11893078581 of the Circle Officer,
Chhatapur and deposited the same in S.B.I. Forbesganj Branch,
Bank A/c No.30503139971 on his own name and subsequently,
he transferred Rs.1000/- vide Cheque No.520201 date
09.01.2009 and Rs.5/- Crores on 11.01.2009 vide Cheque
No.520205. He returned unutilized amount of Rs.6,01,000/-
vide Cheque No.3562 dated 21.04.2009 and Rs.3,49,50,000/-



vide Cheque No.3564 dated 27.05.2009 without any interest to the Circle Office. As such, the petitioner is said to have embezzled the interest amount by retaining huge fund of government money in his personal account. It is further alleged that he issued a cheque No.520204 dated 10.01.2009 of Rs.5,00,000/- by way of an advance to Abdul Gafur which was also returned back to the petitioner vide sub-advance register whereas on the counterfoil of the said cheque an amount of Rs.50,000/- was shown only to have been issued in the fake name of Jubair Ansari, P.O., As such, he has misappropriated the government money. Further he advanced Rs.1/- crore of Indira Aawas to two contractual employees of MANREGA without any permission of competent authority or without any cheque book register, advance register without mentioning it in the cash register of Block or Circle Offices which also amounts to negligence and misappropriation of the fund of Indira Aawas. It is further alleged that he advanced Rs.11,57,37,000/- to several contractual employees, Programme Officers, Panchayat Rojgar Sevak, MANREGA Account etc. and he could not submit the bills regarding the use of such amount before the Audit Team.

Submission on behalf of the learned counsel for the petitioners is that the S.D.O., Triveniganj directed him to get an



account opened at Nathpur Narpatganj and in his presence, the A/c.No.30503139971 was opened in S.B.I., Nathpur Narpatganj for depositing the amount received from Circle Officer, Chhatapur for providing the relief to the flood affected people. The Circle Officer, Chhatapur used to transfer the government money in the said account for providing relief to the flood affected people. But the cheque of that amount was not encashed and, as such, no pecuniary loss has been committed. So far the amount so distributed among the contractual employees with respect to allegation No.4 is concerned, it has been submitted that the same was distributed to the contractual employees and the same has not been distributed properly for which the present case has been lodged against the petitioner.

Heard the learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances of the case, let the petitioner, above named, surrender before the learned court below within a period of six weeks from today and on his so surrendering he will be released on provisional bail till submission of the charge sheet to his own satisfaction with condition that he will cooperate in the investigation of the case with all relevant papers with the investigating officer even after submission of the charge sheet



again he has to surrender before the court below and pray for regular bail which will be considered on the basis of the materials available on the record.

Accordingly, this application is disposed of.

(Vinod Kumar Sinha, J)

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