

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37769 of 2019

Arising Out of PS. Case No.-478 Year-2018 Thana- DINARA District- Rohtas

RAMA KANT SAH @ MUKHIYA RAMAKANT SAH S/o Late Halkhori
Sah R/o village- Deyadha (Dedha), P.S.- Dinara, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 04-07-2019 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 IPC registered in connection with Dinara P.S. Case No. 478 of 2018.

3. It is submitted that the petitioner has been falsely implicated and the FIR has been lodged on the basis of letter no. 1906 dated 12.12.2018 of the Block Development Officer, Kochas which itself is cryptic in nature as it does not state the specific nature of misuse of Government fund. The reason behind the FIR can be culled out from the earlier show cause issued by the Block Development Officer alleging that the amount of Rs. 14,10,700/- spent for the purpose of Mukhiamantri Gali-Naali Yojna was in violation of the Government direction that the expenditure was required to be routed through the Ward Vikas Samiti for implementing the scheme in question. It is



further submitted that there has been no violation in the expenditure in view of the judgment of a Division Bench of this Court in CWJC No. 19591 of 2016 (Siwan Zila Mukhiya Sangh through the Chairman, Sri Ashok Kumar Singh vs. The State of Bihar through the Chief Secretary , Government of Bihar, Patna and others) and analogous cases, in which it has been held as follows --

"24. Accordingly we allow these petitions in part. The Schemes in question as contained in Annexure-P/2 dated 23.09.2016 and P/3 dated 25.10.2016, so far they direct for creation of "Ward Vikas Samiti" and entrusts the work to the "Ward Vikas Samiti" for carrying out the purpose of the Scheme are quashed. The State Government is granted liberty to either 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 therefore submitted that the offence as alleged are not made out against the petitioner, who claims clean antecedents.

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 bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM, Bikramganj, Rohtas at Sasaram, in connection with Dinara P.S. Case No. 478 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. That 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.

(Vikash Jain, J)

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