

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69364 of 2018**

Arising Out of PS. Case No.-174 Year-2018 Thana- SIMRI District- Buxar

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Mahesh Mochi, Son of Mangal Mochi, R/o-Vill-Masur Chak, P.S.-Baliya,
Distt.-Begusarai,

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kr. Pandey

For the Opposite Party/s : Mr. Chaubey Jawahar

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

3 16-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 409 and 420/34 of
the Indian Penal Code.

The prosecution case as per the written report of Block
Development Officer, Simri submitted to the S.H.O., Simri P.S.
is to the effect that under the Scheme Nos.01/2016-17, 02/2016-
17, 03/2016-17 and 04/2016-17 of 14th Finance Commission, it
was found that the work has not been completed as per the said
scheme and subsequently, the matter was taken to Public



Grievance Redressal Authority. Thereafter, the District Collector-cum-2nd Appellate Authority, Buxar directed to lodge FIR against the petitioner and other co-accused persons for misappropriation of Government money on the basis of report submitted by the Executive Magistrate, Dumraon.

It is submitted by learned counsel for the petitioner that during enquiry it was found that twice the money has been withdrawn for the execution of same work but the work has been completed which gets reflected from the final enquiry report submitted by the B.D.O., Simri. It appears that the B.D.O., Simri, directed the accused persons to deposit the difference amount Rs.44806/- and Rs.20598/- within a period of three days and consequently, the accused persons deposited the same on 04.04.2018 which also gets reflected from the final enquiry report and thereafter the present FIR has been lodged against the petitioner and other co-accused persons.

Learned APP after going through the case diary submits that in the initial report it was found that the petitioner and other accused persons withdrew twice the amount for the same work and the accused persons were directed to deposit the difference amount within a period of three days which has already been deposited.



Considering the difference between the initial and final enquiry report and the fact that the alleged difference amount has already been deposited by the accused persons, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **C.J.M., Buxar** in connection with **Simri P.S. Case No.174 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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