

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66134 of 2018

Arising Out of PS. Case No.-331 Year-2018 Thana- BANKA District- Banka

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RAM NARESH YADAV @ RAM NARESH PRASAD YADAV @ NARESH YADAV Son of Late Brahmdeo Yadav the then Panchayat Secretary, Gram Pandhyat Kakwara, P.S. Banka, Distt.-Ban Resident of Village-Bhairopur Kilhuwa, P.S. Katoria Distt.-Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 22-01-2019 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 409 and 420 of the IPC.

The prosecution case as per the written report of Block Development Officer, Banka dated 12.5.2018 submitted to the SHO, Banka Police Station in pursuance to the order dated 13.4.2018 of the Additional Collector-cum-District Public Grievance Redressal Authority, Banka is to the effect that for construction work of the building of Anganbari Centre of Ward No. 5 at Village – Sanhauila under Kakwara Panchayat in the District of Banka, Rs.4,61,000/- was sanctioned and the petitioner being Panchayat Secretary-cum-executing agent of



the construction work, withdrew Rs.3,87,000/- but did not execute the construction work and thereby, has defalcated the government amount.

It is submitted by learned counsel for the petitioner that from the FIR itself, it appears that the construction work was not completed but after lodging of the FIR, the petitioner got the measurement done, which suggests that the petitioner has executed the construction work to the tune of Rs.3,90,000/-. It is further submitted that the petitioner has now been transferred.

Learned APP after going through the case diary, submits that during investigation, it transpired that the petitioner withdrew Rs.3,87,000/- but did not execute the construction work.

Considering the accusation being more in the nature of irregularity, let the petitioner above named be released on provisional anticipatory bail for six months in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Banka in connection with Banka P.S. Case No.331 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

The learned Court below will call for a report from



the informant and if it is found that the petitioner has executed the work corresponding to the amount withdrawn by him, then the provisional bail will be confirmed.

(Dinesh Kumar Singh, J)

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