

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55701 of 2019

Arising Out of PS. Case No.-31 Year-2017 Thana- RAUTA District- Purnia

NARAYAN PANDIT @ SRI NARAYAN PANDIT S/O late Anup Lal Pandit
R/O- vill Dumra, P.S.- Andharmath, Distt.- Madhubani, then Junior Engineer,
PWD, Building, Purnea.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Jai Narayan Mandal S/O Late Babu Lal Mandal presently posted as
Prakhand Prasar Padadhikari, Baisa Block, Distt.- Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal Mr.Amresh Kumar Sinha Ms. Preety Kunwar
For the Opposite Party/s :		Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 04-09-2019 Heard both sides.

The petitioner apprehends his arrest in Rauta P.S.
Case No.31 of 2017 registered under Sections 420, 406 and 409
of the Indian Penal Code.

The Co-operative Extension Officer, Baisa(informant)
alleged that a godown of 200 MT capacity was to be constructed
by work order no.994 dated 26.12.2013. Md. Parwez Alam,
Chairman of the PACS and the then Manager, Md. Sakir
withdrew Rs.2,92,883/- and Rs.3,44,926/- in two installments
for construction of the godown but they in collusion with the
Junior Engineer, Sri Narayan Pandit(petitioner) submitted



wrong measurement book for construction of the godown.

The learned counsel for the petitioner submits that F.I.R. is vague. The informant did not disclose the entire estimate for construction of the godown. Chairman, PACS and the Manager, PACS withdrew Rs.2,92,883/- and Rs.3,44,926/- in two installments. The petitioner submitted the measurement book after making correct measurement of the work done. It is further submitted that petitioner filed petition before the District Co-operative Officer, Purnia and the District Co-operative Officer by letter as contained in Memo No.676 dated 06.07.2017 informed the Sub-Divisional Officer, Baisi that the measurement book submitted by the petitioner is correct and no wrong measurement was done for construction of godown. It is further submitted that Md. Parwez Alam, the then Chairman, PACS was granted anticipatory bail by a co-ordinate Bench of this Court by order dated 26.04.2018 passed in Cr. Misc. No.17280 of 2018. The case of the petitioner stands on better footing as the petitioner did not withdraw any amount nor the petitioner was entrusted for the construction of godown. The petitioner only submitted correct measurement of construction done by the then PACS Chairman and the Manager of the PACS.



Taking into consideration the facts aforesaid, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. II, Purnea in connection with Rauta P.S. Case No.31 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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