

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79728 of 2019

Arising Out of PS. Case No.-178 Year-2018 Thana- SHERGHATI District- Gaya

RAMSWAROOP DAS Son of Nanhak Das Resident of Village-Akouna,
Shyamnagar, Nima, P.S.-Sherghati, District-Gaya, the then Contract office
Assistant in the office of Nagar Parishad, Sherghati, Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha

For the Opposite Party/s : Mr.Rajendra Nath Jha

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 05-12-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Sherghati P.S. Case No.178 of 2018 registered under
Sections 409, 420 and 120(B)/34 of the Indian Penal Code.

The accusation is that in course of inquiry, it was
detected that several irregularities were committed in
advertising the tender for purchasing L.E.D. Light, Tempo
Tipper and Dustbin in Nagar Panchayat Sherghati. It was also
detected that the provision of law in providing the tender was
not followed and the number of articles were not mentioned in
the Store Register. At that time, Ajay Kumar, this petitioner,
Vijay Kumar Paswan, Md. Shakeel Haider and Chanarik



Paswan were the then Executive Officer, Sherghati (at present B.D.O., Sherghati), Contractual Office Assistant in the office of the Nagar Parishad, Sherghati, Assistant in the office of Sub Division, Sherghati, Deputy Chief Councilor, Nagar Panchayat, Sherghati, and Chief Councilor, Nagar Panchayat, Sherghati respectively.

Learned counsel for the petitioner submits that, admittedly, the petitioner was the Contractual Office Assistant in the office of the Nagar Parishad, Sherghati. Regarding the irregularities committed in purchasing the L.E.D. Light, Tempo Tipper and Dustbin, the inquiry was made by the Additional Collector, Gaya, who submitted his report, which is Annexure-2 to this application, in which at page no.2, it is detailed that the entry had already been made in the Store Register regarding the supply of the articles and, on inquiry, it was found that the irregularities were committed by Ajay Kumar, the then Executive Officer, Sherghati (at present B.D.O., Sherghati) and Sushil Kumar, Incharge Executive Officer, Sherghati, which clearly indicates that the petitioner has no concern in misappropriating the money in purchasing the L.E.D. Light, Tempo Tipper and other materials.

Having considered the facts and the circumstances of



the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Sherghati at Gaya, in connection with Sherghati P.S. Case No.178 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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