

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56503 of 2018

Arising Out of PS. Case No.-55 Year-2018 Thana- DEO District- Aurangabad

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Ramdeo Singh, Son of Deo Narayan Singh, Resident of Village + P.O.-
Chauri Chaunri, P.S. Daudnagar, District- Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

Mr. Ankit Katriar, Advocate

Mr. Shakib Ajaj, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 21-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, being the Ex-Panchayat Secretary, is apprehending his arrest in a case registered for the offences punishable under Sections 420, 406 and 409 of the Indian Penal Code.

The prosecution case as per the written report of Shyamta Prasad Singh, Panchayat Secretary, Basdiha, Block – Deo submitted to the Station House Officer of Deo P.S. is to the effect that in Basdiha Gram Panchayat, co-accused Panchayat Mukhiya, Zulekha Khatoon, her husband Nayeem Ansari and the petitioner, Ramdeo Singh, being the Ex-Panchayat Secretary



misappropriated the fund allocated for installation of of hand pumps and solar lights under 14th Finance Commission. It is alleged that the Panchayat Mukhiya issued a self withdrawal cheque and the cheque in the name of her husband instead of issuing the same in the name of registered supplier. It is further alleged that some of the cheques have already been encashed in her name and the in the name of her husband, even prior to the commencement of the said work.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true it is mere an irregularity as the accusation does not reflect that either in Scheme No. 01/2017-18, Scheme No. 02/2017-18, Scheme No. 03/2016-17, Scheme No. 05/2016-17 and Scheme Nos. 8, 9, 10, 23 of 2015-16. It is further submitted the work of installation of the hand pumps and solar lights has not been done but in some of the cases, it is a case of the expenditure against the said work and most of the amounts have been withdrawn either by co-accused Panchayat Mukhiya herself or by her husband. The Panchayat Mukhiya, Zulekha Khatoon and her husband Nayeem Ansari have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 04.09.2018 passed in Cr. Misc. No. 50938 of 2018. A statement has been made in



paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP after going through the case diary submits that the whole money has been misappropriated by Panchayat Mukhiya, her husband and the petitioner. However, it is submitted that the investigation has already been concluded and the petitioner, Panchayat Mukhiya and her husband have been charge-sheeted.

Considering the fact that the thrust of accusation is against the Panchayat Mukhiya and her husband, both of them have been granted anticipatory bail by a Bench of this Court, the fact that the investigation has already been concluded and there is nothing on record to suggest that petitioner has not co-operated during investigation, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Deo P.S. Case No. 55 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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