

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57227 of 2018

Arising Out of PS. Case No.-46 Year-2018 Thana- NAUBATPUR District- Patna

Sanjeev Kumar, Son of Late Ram Ratan Singh, Resident of Village- Nisarpur,
P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Mr. Pravin Kumar, Adv. Mr. Ritwaj Raman, Adv.
For the Opposite Party/s :		Mr. Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 07-01-2019 Heard learned counsels for the petitioner and the
State.

The petitioner, being the Assistant in Naubat Nagar Panchayat, is apprehending arrest in a case registered for the offences punishable under Sections 420, 406, 409, 467, 468, 471 and 120B of the IPC.

The prosecution case, as per the written report of Executive Officer, Naubat Nagar Panchayat, submitted to the Station House Officer, Naubatpur Police Station, is to the effect that in view of the objection raised by Estimate Committee of the Bihar Legislative Assembly, an enquiry was conducted by Sub-Divisional Officer, Danapur and during enquiry, it was found that illegality was committed in the selection of N.G.O. and



Programme Management Units by the then Executive Officer and Chairman of the Standing Committee of Naubatpur Nagar Panchayat. The illegality was also found in the advertisement for the selection of the N.G.O. and Programme Management Units and for that the then Executive Officer, Naubatpur Nagar Panchayat has been found responsible. Though, no irregularity was found in the purchase of the tractor, however, illegality was found in purchase of fogging machine and for that the petitioner was held responsible, since though, advertisement for purchase of the same was made in the two newspapers, but no entry to that effect was made in the file by the petitioner. The other illegality was found that in different schemes, irregularity has been committed in the selection of beneficiaries, but the same has been found to be committed by the agency, namely, Saryu Babu Engineers for Resource Development, Patna.

It is submitted by learned counsel for the petitioner that admittedly the purchase of fogging machine was made by the then Executive Officer and the only allegation against the petitioner is that he did not make entry into the records with regard to advertisement, that at best creates a civil liability of not discharging official duty properly. It is further submitted that the thrust of accusation is against the Chairman and the



Secretary of the Naubatpur Nagar Panchayat. The Secretary of the Naubatpur Nagar Panchayat has been granted anticipatory bail by the impugned order itself. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP, after going through the case diary, submits that during enquiry it was found that the petitioner deliberately did not make any entry in the record about the advertisement made with regard to purchase of fogging machine. Moreover, prayer for anticipatory bail of the Chairman of Naubatpur Nagar Panchayat, namely, Kaushal Kaushik has been rejected by a co-ordinate bench of this Court, vide Cr. Misc. No. 22500 of 2018.

Considering the fact that actual purchase of the fogging machine was made either by the then Executive Officer or by the Chairman, Naubatpur Nagar Panchayat and the fact that the investigation has not been concluded as yet, coupled with the statement made in paragraph no.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/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 like amount



each to the satisfaction of learned Addl. Chief Judicial Magistrate-II, Danapur in connection with Naubatpur P.S. Case No. 46 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

Learned Court below will be at liberty to cancel the bail bonds of the petitioner if he fails to co-operate during investigation.

(Dinesh Kumar Singh, J)

Amrendra/-

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