

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9850 of 2020

Arising Out of PS. Case No.-140 Year-2019 Thana- MADHEPURA District- Madhepura

Dhirendra Prasad Yadav, aged about 65 years, Male, S/o Late Satyadeo Prasad Yadav, R/o village- Bhelwa, P.S.- Gamharia, District- Madhepura, Ex-Panchayat Secretary Arraha Mahua Dighra, Gram Panchyat, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-06-2020 Heard the parties through the virtual court proceeding.

The petitioner apprehends his arrest in connection with Madhepura (Ghailardh) P.S. Case No.140 of 2019 registered for the offences punishable under Sections 409/420/34 of the Indian Penal Code.

The informant Sri Raghvendra Kuamr Sharma, Block Development Officer, Ghailardh, District- Madhepura that as per decision dated 28.04.2018 of the District Magistrate, Madhepura-cum-Second Appellate Tribunal and as per letter no.23 dated 15.01.2019 of the Deputy Development Commissioner-cum-Chief Executive Officer, District Board, Madhepura an order has been received for lodging the F.I.R. for misappropriation of amount of schemes of different heads of



Arraha Mahuwa Dhighra Panchayat. It is further alleged that out of six schemes five schemes were of 04th. Financial Commission and one was of 13th Financial Commission executed in 2015-2016 when the petitioner was Mukhiya of said Gram Panchayat and on the basis of the decision of the District Magistrate, Madhepura and the letter of the D.D.C., Madhepura, it was alleged that the advance money in the aforesaid schemes was paid and the same was not returned with interest and was not adjusted by completing the works under the different schemes.

Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence and falsely been implicated in this case after his transfer from the said Gram Panchayat. He further submits that the works of different schemes had been completed but M.B. was not tracked out for which the J.E. and the Assistant Engineer is authorized to prepare M.B. and without submission of M.B. second and third installment cannot be allowed to be paid. He further submits that the order sheets of different yojna would show that after submission of M.B., the amount of the yojna is finalized and the M.B. of all schemes have been submitted in the Block Officer by the Assistant Engineer but the same have not been produced during inquiry for which the concerned office is



responsible and not the petitioner. He further submits that after completion of works under different schemes, which were allotted to the petitioner, he was transferred from concerned Gram Panchayat. He further submits that this is not a case of misappropriation/defalcation of government money rather it is a case of non-adjustment of amount on account of non-availability of M.B. in Block Office. Learned counsel for the petitioner further submits that the F.I.R. has been lodged against the Mukhiya but the Mukhiya has been granted bail by this Co-ordinate Bench of this Court vide order dated 04.03.2020 passed in Cr. Misc. No.60893 of 2019. He further submits that the petitioner has been falsely implicated in connection with some amount remaining due with the petitioner under whom as Mukhiya six schemes were executed. It is submitted that the schemes were duly completed and the amount remaining has now been returned (Annexure-2 of the supplementary affidavit).

Learned A.P.P. for the State has opposed the prayer for bail.

In the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/-



(twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Madhepura (Ghailardh) P.S. Case No. 140 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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