

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12487 of 2020

Arising Out of PS. Case No.-68 Year-2019 Thana- ANDHRAMATH District- Madhubani

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Bindeshwar Safi Son of Late Lakhan Rajak Resident of Village - Dharhara,
Police Station - Andhramath, District - Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Suresh Kumar, Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 15-12-2020 Heard learned counsel for the petitioner and learned

counsel for the State via video conferencing.

2. The petitioner seeks pre-arrest bail in connection

with Andhramath P.S. Case No. 68 of 2019 registered for the

offences punishable under Sections 406, 409 and 420/34 of the

Indian Penal Code.

3. The first information report is based on the written

report of the Panchayat Secretary, Dharhara Gram Panchayat

Raj, who has stated in his written report that the Block

Development Officer, Laukahi directed him to institute an FIR

vide letter no. 560 dated 13.04.2019, pursuant to which, he is

submitting his report. He has alleged that the then Panchayat

Secretary, Satyanaraian Mahra and the then Mukhiya

(petitioner) withdrew Rs. 7500/- on 14.05.2013 and Rs.

2,00,000/- on 17.05.2013 for Government Scheme No. 01/2013-



14 for construction of Anganbari building at village Dharhara, Centre No. 54. They also withdrew Rs. 7500/- on 10.02.2013, Rs. 70,000/- on 15.02.2013 and Rs. 10,000/- on 25.04.2013 for Scheme No. 3/2012-13 for construction of R.C.C. culvert on road from the house of Md. Ibrahim to North-West at village-Gadiya. However, they did not execute any work. He has further alleged that for the Scheme No. 4/2012-13, they withdrew Rs. 75,000/- on 10.02.2013, Rs. 70,000/- on 15.02.2013, Rs. 75,000/- on 21.03.2013 and Rs. 20,000/- on 5.04.2013 for construction of R.C.C. culvert near Gadiya Middle School but, on inquiry, ten members team, which was formed by the Sub-Divisional Officer, Phulparas, found that though the amounts were withdrawn for the Scheme no. 1 and 3, no work was executed on the work site and in Scheme no. 4, though some work was executed, the measurement book was not made available by the executing agent and the petitioner.

4. On the basis of aforesaid allegation, the informant stated that the petitioner and the executing agent had misappropriated huge amount of government money.

5. Learned counsel appearing for the petitioner submitted that the co-accused Satyanarain Mahra, the then Panchayat Secretary is the executing agent of the aforesaid three schemes and had received all amount through cheques on



different dates as would appear from the passbook of State Bank of India, Branch Laukahi. He contended that the Block Development Officer, Laukahi had asked explanation from the petitioner about the aforesaid schemes for which the amount was withdrawn and the petitioner submitted his explanation to him stating therein that the work was completed physically in respect of Scheme No. 03/2012-13 and in respect of other work, amounts had been advanced to the executing agent for which certain works have been completed and the work which has not been completed, it is he, who is answerable and not the petitioner. He further contended that the petitioner is also facing certificate proceeding with respect to the amount involved in the case.

6. On the other hand, learned counsel appearing for the State submitted that the petitioner and the executing agent have acted in conspiracy with each other and they have defalcated huge amount of government money.

7. Having regard to the nature of allegation made in the FIR and the submissions advanced on behalf of the parties, I am not inclined to grant pre-arrest bail to the petitioner. His prayer is rejected.

8. In case, the petitioner surrenders and seeks bail, the same shall be considered and disposed of on its own merit



without being prejudiced in any manner by this order.

9. Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my e-mail by the Sr. Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail id to the Sr. Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.

(iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.

(iv) Let steps be taken by the Sr. Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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