

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20499 of 2020

Arising Out of PS. Case No.-52 Year-2019 Thana- MATIHANI District- Begusarai

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RAJ KUMAR S/o Ganga Pd. @ Ganga Pd. Mahto R/o village- Nagdah-
Kapasia, Road No. 12, P.S.- Begusarai Town, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 20-07-2020 The Court proceeding has been conducted through
virtual mode.

Since the physical Court is not functional due to
the present pandemic, Covid-19, the matter has been listed
with defects.

Learned counsel for the petitioners undertake to
remove the defects within a period of three weeks on



resumption of physical court proceeding.

In case of non-removal of the defects within the undertaken period, the office will place the matter before the bench.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioner apprehends arrest in a case registered for the offences punishable under Sections 409 and 420/34 of the Indian Penal Code.

The prosecution case as per the written report of Sanjay Chaudhary, Up Mukhiya, Gram Panchayat, Matihani submitted before the S.H.O., Matihani Police Station is to the effect that under the 14th Finance Commission Scheme, in the Matihani Panchayat street lights were to be fixed at the behest of Prem Sagar Mishra, the then Panchayat Secretary, Ashok Singh and the Panchayat Mukhiya, Rekha Devi, but the cost of the solar lights were charged three times higher than the market price. As a result, Rs.30,00,000/- have been misappropriated. The petitioner was not named in the FIR. His name sprang up during investigation as supplier.



It is submitted by learned counsel for the petitioner that the accusation of misappropriation is specific in the FIR against the FIR named accused persons. The inquiry report was submitted by the District Panchayat Raj Officer, Begusarai on 10.01.2019 to the District Magistrate, Begusarai to the effect that the street lights were fixed as per the specifications and all the lights were found in working condition. Moreover, the same have been purchased on a minimum price. The quotation was taken from three agencies and the petitioner was the minimum bidder and hence at the rate of Rs.10,950/- per unit 200 solar lights were purchased for Rs.21,90,000/-.

Learned APP for the State submits that the name of the petitioner sprang up during investigation.

Considering the fact that the report of the District Panchayat Officer substantially negates the accusation, the impugned order also does not suggest anything against the petitioner, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail for the present provisionally for a period of



three months, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing one surety to the satisfaction of the learned Judicial Magistrate 1st Class, Begusarai, in connection with Matihani P.S. Case No. 52 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C

However, in view of the present pandemic, COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Begusarai, in connection with Matihani P.S. Case No. 52 of 2019.



The learned Court below will further be at liberty to extend the period of provisional anticipatory bail further if the court proceeding in physical mode will not resume in next three months.

Accordingly, the present application stands disposed of.

(Dinesh Kumar Singh, J)

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