

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21749 of 2020

Arising Out of P.S. Case No.-226 Year-2019 Thana-Shambhuganj District- Banka

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Narayan Harijan, son of Musharu Harijan, resident of Village Koushalpur,
P.S. Amarpur, District Banka

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ranjan Kumar Jha
For the Opposite Party : Mr. Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 14-08-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Shambhuganj P.S. Case No. 226 of 2019, disclosing the offence punishable under Sections 406, 409, 420, 467, 468/34 of the Indian Penal Code.

The allegation in the FIR relates to irregularities in purchase of solar lights for being installed in villages during the period 2009 to 2013. The petitioner, at the relevant point of time, was working as Panchayat Secretary of the concerned Gram Panchayat.

It has been argued on behalf of the petitioner that the charge of the post was handed over by the petitioner in 2014



itself after the petitioner had superannuated from service. It has further been argued that though there is allegation of irregularities in procurement of solar light, there is no specific allegation of misappropriation of public money for petitioner's own use. It has also been argued that Mukhiya of the concerned Gram Panchayat, who has also been made accused, has been allowed anticipatory bail by this Court by order dated 14.01.2020, passed in Cr. Misc. No. 1690 of 2020.

On close reading of the FIR, I find substance in submission made on behalf of the petitioner that there is no specific allegation of misappropriation of public money for personal gain so as to constitute criminal breach of trust within the meaning of Section 405 of the Indian Penal Code.

Considering the above, this application is allowed. Let the petitioner, above-named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned ACJM-IV, Banka, in Shambhuganj P.S. Case No. 226 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall



present himself before the Police/ Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

It is also indicated that defects, if any, shall be removed within two months from today.

Since there is a lockdown, the Court has considered it appropriate to adopt following procedure for communication of the present order:-

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

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today 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 a copy of the order be communicated to the



learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social-distancing.

(Chakradhari Sharan Singh, J)

Rajesh/-

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