

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23526 of 2020**

Arising Out of PS. Case No.-100 Year-2010 Thana- BAHERA District- Darbhanga

Sunil Kumar Ranjan, Son of Ramdeo Das, (B.D.O. cum-C.O. since May, 2007 to Feb 2009) Resident of Village-Champatri, P.S.-Belhar, District-Banka, presently posted on the post of D.C.L.R., Marhowrah, District-Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Indu Bhushan, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 21-12-2020 Learned counsel for the petitioner undertakes to remove all the defects pointed by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Dashrath Mehta, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail in connection with Bahera P.S. Case No. 100 of 2010 registered for the offences punishable under Sections 420, 406, 409, 467, 478, 471 of the Indian Penal Code.

Learned counsel for the petitioner submits that though the F.I.R. was registered in the year 2010 at the instance of a social worker alleging that certain works under the National Employment Programme have not been fully completed and there



has been misappropriation of money, this petitioner was named in the F.I.R. but the investigation remained pending and ultimately the petitioner got apprehension of his arrest when his name transpired on 31.12.2015 in course of investigation.

Learned counsel submits that earlier one of the named accused Md. Rumman Firdausi who was the Block Programme Officer and accusation against him was that he had defalcated the government money under the scheme was granted privilege of pre-arrest bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 9887 of 2015.

It is submitted that the petitioner had been posted as B.D.O. -cum- C.O. during the relevant period in the block office but he had no role to play in the given scheme as all financial powers under the scheme were vested with the Mukhiya, Programme Officer of MANREGA, Panchayat Sewak and Rojgar Sewak. It is also submitted that the petitioner had not recommended any work under the scheme and he had never disbursed any money as there was no occasion for him to sign any cheque towards payment under the said scheme.

It is further submitted that though the investigation of the case has remained pending for about ten years, till date no material has come against him to show that how he could have misappropriated the money.



Lastly it is informed that one of the co-accused whose prayer for bail was also rejected by the same impugned order recently has been granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 17135 of 2020.

Mr. Dashrath Mehta, learned A.P.P. for the State has gone through the case diary and has assisted this Court, he has stated that investigation is still going on. In course of hearing learned A.P.P. for the State is unable to place any cogent material from the diary to show as to what role this petitioner had played under the scheme and whether he had anything to do in connection with disbursement of money.

Having regard to the facts and circumstances of the case, in the nature of the submissions noted hereinabove and no material having been pointed out to this Court from the case diary to show that what role the petitioner had to play under the scheme, this Court directs the petitioner above named in the event of his arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Benipur, Darbhanga in connection with Bahera P.S. Case No. 100 of 2010, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.



(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

