

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31625 of 2020

Arising Out of PS. Case No.-426 Year-2019 Thana- LAXMIPUR District- Jamui

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TRIPURARI TANTI S/O Singho Tanti R/O Vill - Pawna, P.S. - Luxmipur,
District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha
For the Opposite Party/s : Mr.Prem Kumar Jha (APP)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 03-12-2020 Heard learned counsel for the parties.

This application for grant of regular bail arises out of Luxmipur P.S. Case No. 426 of 2019 registered for the offence punishable under Sections 406, 419 and 426 of the Indian Penal Code.

At the relevant point of time, the petitioner was Panchayat Secretary of Gram Panchayat, Khilar. The matter relates to expenditure made for execution of “*Nal Jal Yojna*” of the State Government for ensuring drinking water supply in villages. It is alleged that contrary to the guidelines issued by the concerned Department of Government of Bihar, the Petitioner had paid advance money to the supplier for supply of raw materials.



Learned counsel appearing on behalf of the petitioner has submitted that there is no allegation in the F.I.R. that the petitioner misappropriated any amount, which was entrusted to him for his own use/gain. He has submitted that the allegation of failing to follow any administrative guideline *per se* cannot constitute an offence punishable under Section 406 of the Indian Penal Code in the absence of any allegation of misappropriation of the amount entrusted to the petitioner.

On perusal of the F.I.R., I find substance in submission made on behalf of the petitioner, this application is accordingly allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Jamui in connection with Luxmipur P.S. Case No. 426 of 2019.

(Chakradhari Sharan Singh, J)

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