

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30799 of 2021

Arising Out of PS. Case No.-22 Year-2014 Thana- ROHTAS District- Rohtas

GIRWAR LAL VARUN S/O RAM NARESH PASWAN R/o village- Veldari
Chak, P.S.- Nalanda, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Thakur, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 10-12-2021 Heard Mr. Ajay Thakur, learned counsel for the
petitioner and Mr. Nand Kumar, learned counsel for the State.

Petitioner seeks regular bail in connection with
Rohtas P.S. Case No. 22 of 2014 registered for the offence under
Section 420, 467, 468, 471 and 120 (B) of the I.P.C.

The allegation as per the first information report is
that the petitioner, who was working as Panchayat Rojgar
Sewak in the year 2013 along with the Mukhiya of the gram
panchayat has withdrawn Rs. 3.5 lakhs and Rs. 2.5 lakhs of the
MNREGA Scheme under the joint account of Mukhiya and
Panchayat Rojgar Sewak of Uchaila and Baknauro Gram
Panchayat.

Learned counsel for the petitioner submits that
petitioner was working as Panchayat Rojgar Sewak on



contractual basis and as per the letter of the D.D.C., Sasaram the Mukhiya has been made responsible for withdrawal of the money. Since the petitioner was working on contractual basis and was not at equal bargaining position therefore under the pressure and direction of the Mukhiya the petitioner had signed the cheque for withdrawal of the money. He further submits that prior to lodging of this F.I.R. by the D.D.C., Mukhiya in order to save his own skin has lodged an F.I.R. bearing Rohtas P.S. Case No. 144 of 2013 on 15-09-2013 alleging withdrawal of amount by the petitioner only and thereafter the D.D.C., Rohtas, Sasaram has lodged the present F.I.R. alleging that Mukhiya along with the petitioner has withdrawn the amount of MNREGA from the joint account. Learned counsel next submits that petitioner had resigned in the year 2013 itself and had no knowledge about the present F.I.R. lodged by the D.D.C., Rohtas, Sasaram however, he was arrested on 05-10-2020, the investigation is complete and charge sheet has already been submitted against the petitioner. He further submits that during the course of investigation it has not come to light that the money withdrawn by the petitioner and the Mukhiya has not been utilized in the MNREGA Scheme and has been misappropriated by them.



On the other hand, learned counsel for the State submits that the petitioner was one of the signatories on the cheque by which a sum of Rs. 6 Lakh has been withdrawn by the petitioner along with the co-accused (i.e. Mukhiya).

Regard being had to the submissions made by the parties and taking into consideration the materials available on record, the fact that petitioner was working on contractual basis and had resigned in the year 2013 itself, investigation has already been completed, charge sheet has already been submitted and there is no likelihood that the petitioner will tamper with the evidence, as such, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate I, Dehri / court concerned in connection with Rohtas P.S. Case No. 22 of 2014 on the following conditions:-

(i) that the bailors should be the resident of the territorial jurisdiction of the court below.

(ii) that the petitioner shall remain present on each and every date during the course of trial and in case of default on two



*consecutive dates on the part of the petitioner;
his bail bond shall liable to be cancelled.*

(Anil Kumar Sinha, J)

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