

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30832 of 2020

Arising Out of PS. Case No.-125 Year-2009 Thana- BABUBARHI District- Madhubani

BINDESHWAR SAHANI Son of Late Baldeo Sahani Resident of Mohalla -
J.P. Colony, Ward No. 14, P.S. and District - Madhubani, the then Junior
Engineer, Block office (NEREGA), Babubarhi, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Chandra Jha 3

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 04-01-2021 Heard both sides.

The petitioner apprehends his arrest in Babubarhi P.S.
case No. 125/2009 registered under Section 409, 420, 34 of the
IPC.

The informant, Officer-in-charge, Babubarhi P.S. on
the direction of Programme Officer, lodged the case alleging
therein that Scheme No. 5/2006-2007 was to be carried out at
the cost of Rs. 5,40,700/-. The Sub divisional Officer,
Madhubani after enquiry found that work was not done as per
the requirement and the money was defalcated by the Junior
Engineer and the agent of the Scheme.

The learned counsel for the petitioner submits that
although the petitioner was posted as Junior Engineer in the



Babubarhi block but Scheme No. 5/2006-07 was started in the year 2007 and before that the petitioner was transferred to another place, that is, Laukahi block vide letter No. 360 dated 08.03.2007. The petitioner has not supervised the work nor prepared the measurement book for the work done under the scheme and the name of the petitioner has been mentioned in the FIR on the basis of the fact that at the initial stage of execution of the scheme the petitioner was posted as Junior Engineer, Babubarhi, block but at no point of time the petitioner was entrusted with the supervision of the work. The work started only after transfer of the petitioner from Babubarahi block to Laukahi block.

Taking into consideration the facts that petitioner was not part of the supervision of the work of scheme No. 5/2006-07 and before starting of the work the petitioner was transferred to Laukahi block, the petitioner, above named, in the event of his arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Madhubani in connection with



Babubarhi P.S. case No. 125/2009, subject to conditions as laid
down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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