

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2997 of 2022

Arising Out of PS. Case No.-64 Year-2021 Thana- JAIPUR District- Banka

NARESH DAS S/o- THANU DAS Resident of Village- Charaiya, P.S.-
Simultalla, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 3068 of 2022

Arising Out of PS. Case No.-64 Year-2021 Thana- JAIPUR District- Banka

SHIV NARAYAN PRASAD YADAV Son of Jailal Yadav Resident of Village-
Kolhasar, P.S.- Jaipur, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 3357 of 2022

Arising Out of PS. Case No.-64 Year-2021 Thana- JAIPUR District- Banka

Abhishek Bharti Son Of Anil Kumar Dwivedi R/O Village- Chandan, P.S.-
Chandan, District- Banka. The Then Accountant (Pmay-G-Cum-Manrega),
Katoriya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 3475 of 2022

Arising Out of PS. Case No.-64 Year-2021 Thana- JAIPUR District- Banka

ASFAQUE AHMAD S/o Md. Belal Uddin R/o village- Belari, P.S.-
Shambhuganj, District- Banka. The present Accountant (PMAY-G-cum-
MANREGA), Katoriya

... .. Petitioner/s

Versus



The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 2997 of 2022)
For the Petitioner/s : Mr.Shailendra Kumar Singh
For the Opposite Party/s : Mr.Parmeshwar Mehta
(In CRIMINAL MISCELLANEOUS No. 3068 of 2022)
For the Petitioner/s : Mr.Birendra Kumar Singh
For the Opposite Party/s : Mr.Zainul Abedin
(In CRIMINAL MISCELLANEOUS No. 3357 of 2022)
For the Petitioner/s : Mr.Vasant Vikas
For the Opposite Party/s : Mr.Parmeshwar Mehta
(In CRIMINAL MISCELLANEOUS No. 3475 of 2022)
For the Petitioner/s : Mr.Vasant Vikas
For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Jaipur
P.S. Case No. 64 of 2021 registered for the offence under
Sections 420, 409, 467, 468, 471 and 120(B) of the Indian Penal
Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 22.10.2021.

The allegation against the petitioner, along with other
co-accused persons, is to misappropriate a total of Rs.
47,01,262/- in relation to 13 plans under MANREGA Schemes,
where amount was withdrawn on the basis of fake measurement



and not even without starting work.

Learned counsel appearing on behalf of the petitioner submitted that the inquiry report which is the part of FIR clearly speaks that the amount was paid by Programme Officers, namely, Sanjeev Kumar Das and Sanjay Kumar Thakur, where the measurement was done by Junior Engineer, namely, Ramesh Kumar Azad. It is submitted that inquiry report is not suggesting active participation in terms of allegation as raised against this petitioner. It is further submitted that petitioner is not an authorized person for bank transactions. It is also submitted that similarly situated co-accused person, namely, Sanjay Kumar Thakur, has already been granted anticipatory bail by one of the learned Co-ordinate Bench by this Court through Cr. Misc. No. 5723 of 2022 vide order dated 23.08.2022. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent, moreover, investigation in this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail submitted that petitioner having active participation in the present case of defalcation.

Considering the facts and circumstances as mentioned



above, as petitioner is not an authorized person for any bank transactions, even thrust of allegation is available against other co-accused persons as per inquiry report, man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Jaipur P.S. Case No. 64 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1, Banka/concerned court, subject to the following conditions as laid down u/s 437(3) of the Cr.P.C.

Cr. Misc. No. 3068 of 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Jaipur P.S. Case No. 64 of 2021 registered for the offence under Sections 420, 409, 467, 468, 471 and 120(B) of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 22.10.2021.



The allegation against the petitioner, along with other co-accused persons, is to misappropriate a total of Rs. 47,01,262/- in relation to 13 plans under MANREGA Scheme, where amount was withdrawn on the basis of fake measurement and not even without starting work.

Learned counsel appearing on behalf of the petitioner submitted that the inquiry report which is the part of FIR clearly speaks that the amount was paid by Programme Officer, namely, Sanjeev Kumar Das and Sanjay Kumar Thakur, where the measurement was done by Junior Engineer, namely, Ramesh Kumar Azad. It is submitted that inquiry report is not suggesting active participation in terms of allegation as raised against this petitioner. It is submitted that petitioner is not an authorized person for bank transactions. It is further submitted that similarly situated co-accused person, namely, Sanjay Kumar Thakur has already been granted anticipatory bail by one of the learned Co-ordinate Bench by this Court through Cr. Misc. No. 5723 of 2022 vide order dated 23.08.2022. It is also submitted that petitioner is vendor and returned Rs. 22,07,500/- before lodging this FIR out of own understanding having no bearing with present entire allegation. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent,



moreover, investigation in this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail submitted that petitioner having active participation in the present case of defalcation.

Considering the facts and circumstances as mentioned above, as petitioner is not an authorized person for any bank transactions, where thrust of allegation is available against other co-accused persons as per inquiry report, man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Jaipur P.S. Case No. 64 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1, Banka/concerned court, subject to the following conditions as laid down u/s 437(3) of the Cr.P.C.

Cr. Misc. No. 3357 of 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period



of four weeks from today.

The petitioner seeks bail in connection with Jaipur P.S. Case No. 64 of 2021 registered for the offence under Sections 420, 409, 467, 468, 471 and 120(B) of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 22.10.2021.

The allegation against the petitioner, along with other co-accused persons, is to misappropriate a total of Rs. 47,01,262/- in relation to 13 plans under MANREGA Scheme, where amount was withdrawn on the basis of fake measurement and not even without starting work.

Learned counsel appearing on behalf of the petitioner submitted that the inquiry report which is the part of FIR clearly speaks that the amount was paid by Programme Officer, namely, Sanjeev Kumar Das and Sanjay Kumar Thakur, where the measurement was done by Junior Engineer, namely, Ramesh Kumar Azad. It is submitted that inquiry report is not suggesting active participation in terms of allegation as raised against this petitioner. It is submitted that petitioner is not an authorized person for bank transactions. It is further submitted that similarly situated co-accused person, namely, Sanjay Kumar



Thakur, has already been granted anticipatory bail by one of the learned Co-ordinate Bench by this Court through Cr. Misc. No. 5723 of 2022 vide order dated 23.08.2022. It is also submitted that petitioner is an accountant and inquiry report not even whisper about involvement of this petitioner, moreover, raising suspicion, to be part of conspiracy. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent, moreover, investigation in this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail submitted that petitioner having active participation in the present case of defalcation.

Considering the facts and circumstances as mentioned above, as petitioner is not an authorized person for bank transactions, where thrust of allegation is available against other co-accused persons as per inquiry report, man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Jaipur P.S. Case No. 64 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate Banka,/concerned court, subject to the following conditions as laid down u/s 437(3) of the Cr.P.C.

Cr. Misc. No. 3475 of 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Jaipur P.S. Case No. 64 of 2021 registered for the offence under Sections 420, 409, 467, 468, 471 and 120(B) of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 22.10.2021.

The allegation against the petitioner, along with other co-accused persons, is to misappropriate a total of Rs. 47,01,262/- in relation to 13 plans under MANREGA Scheme, where amount was withdrawn on the basis of fake measurement and not even without starting work.

Learned counsel appearing on behalf of the petitioner submitted that the inquiry report which is the part of FIR clearly speaks that the amount was paid by Programme Officer, namely,



Sanjeev Kumar Das and Sanjay Kumar Thakur, where the measurement was done by Junior Engineer, namely, Ramesh Kumar Azad. It is submitted that inquiry report is not suggesting active participation in terms of allegation as raised against this petitioner. It is submitted that petitioner is not an authorized person for bank transactions. It is further submitted that similarly situated co-accused person, namely, Sanjay Kumar Thakur has already been granted anticipatory bail by one of the learned Co-ordinate Bench by this Court through Cr. Misc. No. 5723 of 2022 vide order dated 23.08.2022. It is also submitted that petitioner is accountant and inquiry report not even whisper about any involvement of this petitioner, rather to raise only suspicion to be part of conspiracy. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent, moreover, investigation in this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail submitted that petitioner having active participation in the present case of defalcation.

Considering the facts and circumstances as mentioned above, as petitioner is not an authorized person for bank



transactions, where thrust of allegation is available against other co-accused persons as per inquiry report, man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Jaipur P.S. Case No. 64 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka/concerned court, subject to the following conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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