

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17636 of 2022

Arising Out of PS. Case No.-251 Year-2020 Thana- KAKO District- Jehanabad

Satish Kumar Son Of Shri Ram Naresh Prasad Resident Of Village - Jitu
Bigha, P.S.- Ghosi, Distt.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 20218 of 2022

Arising Out of PS. Case No.-251 Year-2020 Thana- KAKO District- Jehanabad

Yogendra Prasad Singh Son Of Late Baleshwar Singh Resident Of Village -
Khurd, P.S.- Kalpa, Distt.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 17636 of 2022)

For the Petitioner/s : Mr.Jogendra Kumar

For the Opposite Party/s : Mr.Parmeshwar Mehta

(In CRIMINAL MISCELLANEOUS No. 20218 of 2022)

For the Petitioner/s : Mr.Jogendra Kumar

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 11-10-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest in a

case registered for the offences punishable under Sections

409/34 of the Indian Penal Code.



The prosecution case as per F.I.R. is that the informant being Block Panchayati Raj Officer, Kako submitted a written report to the SHO, Kako to the effect that under the direction of District Magistrate, Jehanabad, he enquired into the supply of water in Ward No. 5 of village Deoraj Bigha, under the scheme of Chief Minister Gram Nal Jal Yojna, under which estimated amount was Rs. 12,94,100/- for which Rs. 12,74,100/- was advanced to the Implementation and Managing Committee of Ward 5 of the village Deoraj Bigha. It is also alleged that according to measurement book, the work valued was found Rs. 12,72,023/- and under the scheme, water had to supply in 125 houses. But, the water has been supplied to 110 houses. At the time of inquiry, the work was found incomplete and several houses were not receiving the water and also the depth of the installed pipe was not up to the mark.

It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and they



have falsely been implicated in the present case. It is further submitted that the Ward Implementation-cum-Management Committee and Mukhiya along with Ward Member are responsible for transfer and withdrawal of the funds. Hence, the petitioners being the Junior Engineer and Panchayat Secretary have no role to play in disbursement of the amount. It is also submitted that the petitioners were neither appointed as agent to execute the work nor any amount was entrusted to the petitioners. It is also submitted that the Executive Engineer of District Rural Development Organization, Jehanabad inspected the work executed by the petitioners and the work executed by the petitioners was found satisfactory and it was executed as per the estimate. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

In the facts and circumstance of the case, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on



furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Jehanabad in connection with Kako (Bhelawar O.P.) P.S. Case No.251 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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