

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33372 of 2022

Arising Out of PS. Case No.-21 Year-2022 Thana- SUIYA District- Banka

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NARESH KUMAR SON OF BIRENDRA KUMAR SINHA RESIDENT OF
SAKET VIHAR, BARMASIYA, P.S.- TOWN, DISTRICT- DEOGHAR
(JHARKHAND). AT PRESENT POSTED AS PROGRAMME OFFICER,
BLOCK CHANDAN, P.S.- CHANDAN, DISTRICT- BANKA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal
For the Opposite Party/s : Mr. Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 19-12-2022 Heard the parties.

Learned counsel for the petitioner is directed to remove
the defects within four weeks.

Learned counsel for the State filed a supplementary
counter-affidavit in the present case. Let the same be accepted
and kept on record.

The petitioner apprehends his arrest in a case registered
for the offence punishable under section 406, 408, 409 and 420
of the Indian Penal Code.

The allegation against the petitioner is that the petitioner
being the then programme officer of Chandan Block in collusion
with others defalcated Rs.5,03,858/- allotted under MANREGA
schemes for construction of two PCC roads, under Gram-



Panchayat- Dakshini Kaswa Vasil.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. Petitioner was posted to Chandan Block where he took charge on 18.12.2020. According to the FIR, the petitioner is not alleged to have any link in any manner with the scheme relating to the construction of road from Aka Main Road to Galgala. He further submits that after joining Chandan Block the petitioner found the fund transfer orders of the concerned bills for the aforesaid two scheme in his login awaiting payment. The petitioner on verifying the fund transfer orders of the concerned bills with the measurement book and the bills of the materials, signature of the accountant, the junior engineer and the assistant engineer thereon in favour of payment of availability of fund forwarded the same for payment which were made. Although there is allegation of excess payment in the FIR, but the same are vague and those are not specifying in any manner the nature of excess payment or any irregularity in the measurement book or the bills for the materials or payment on the non-skilled labour side. He further submits that the payment of all the wage list and the entries of



all material bills was done during the tenure of earlier Programmer Officer based on the measurement of work taken and recorded by the then Junior Engineer in the measurement book which is further verified by the Assistant Engineer, DRDA, Banka. Based on that, the first signatory i.e. the accountant generated the Fund Transfer Order, signed it through his login and sent to the login of second signatory much earlier from the joining of the petitioner i.e. on 31.08.2020. As far as the total amount of payment in both the schemes is concerned, it is to submit that the payment was made as per the measurement book which was calculated and recorded by the Junior Engineer, Chandan and which is further verified by the Assistant Engineer, DRDA, Banka. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail and submits that the petitioner assumed office of Programme Officer MGNREGA, Chandan Block on 18.12.2020. There was no linkage between the petitioner and the projects under question, it is submitted that though the petitioner was not posted at Chandan Block during the execution of the said schemes but material payment has been made by the petitioner in first two schemes mentioned in enquiry report. It is further submitted that before making payment, the petitioner



would have ensure whether the said schemes had been implemented as per departmental guidelines or not.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in Suiya P.S. Case No.21 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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