

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48184 of 2021

Arising Out of PS. Case No.-121 Year-2020 Thana- MATIHANI District- Begusarai

Ashok Kumar Singh @ Ashok Singh Son of Ramadhar Singh Resident of
Village - Korai, P.S.- Gadhpura, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-06-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Sandeep Kumar Gautam, learned counsel
for the petitioner as well as learned Additional Public Prosecutor
for the State.

The petitioner apprehends his arrest in connection
with Matihani P.S.Case No. 151 of 2020 registered for the
offences punishable under Sections 420, 406, 409, 467, 468,
471, 120B/34 of the Indian Penal Code.

Prima facie this is a case of financial embezzlement
in the government scheme for installation of streetlights etc.

At the outset, learned counsel for the petitioner
submits at the bar that as per his information till date the process
under Sections 82/83 of the Cr.P.C have not been issued.

It is submitted by the learned counsel for the



petitioner that prior to institution of the present case, the complainant had filed Matihani P.S. Case No. 52 of 2019 against the petitioner and others with identical allegation of financial embezzlement in the government scheme for installation of streetlights. In the said case petitioner was allowed bail on merit. It is also submitted that similar allegation is made out in the present FIR. The complainant was one of the member of the purchased committee and he was authorized to purchase the street lights. It is next submitted that prior to institution of the present case, the District Panchayati Raj Officer, Begusarai vide letter no. 53 dated 10.01.2019 wrote to the District Magistrate, Begusarai that an inquiry has been conducted by five Members Committee of the concerned Panchayat and it has been found that all the 200 street lights are properly working. It is further submitted that the petitioner being Panchayat Secretary, he has been made accused due to the tug of war between the then Mukhiya, Rekha Devi and the present Mukhiya Sanjay Choudhary. It is further submitted that solar lights were purchased according to, the established proceeding by the Mukhiya and no irregularity has been found against the petitioner. Even if, there had been some alleged wrong or irregularity, for the same there had already been an FIR against



persons found responsible.

On the other hand, learned APP for the State opposes the bail application of the petitioner and submits that petitioner was working as Panchayat Secretary at the relevant point of time and after inquiry the misappropriation of a fund of Rs. 6, 95,000/- has been levelled against the accused petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that with regard to the same occurrence the complainant had filed Matihani P.S.Case No. 52 of 2019 and now with regard to similar allegation the present FIR has been instituted, in as much as one of the co-accused namely, Prem Sagar Mishra, Block Development Officer, has already been granted anticipatory bail vide order dated 16.11.2021 in Cr. Misc. No.11061 of 2021, copy of which has been filed by way of supplementary affidavit, let the petitioner above named, be released on bail, in the event of his arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st class, Begusarai in connection with Matihani P. S. Case No. 121 of 2020



subject to the conditions as laid down under Section 438(2) of the code of Criminal Procedure with the following conditions:-

(I) One of the bailors should be the close relative of the petitioner.

(ii) The petitioner will cooperate in the investigation as well as in conclusion of the trial.

(iii) He will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(Harish Kumar, J.)

N.K/-

U		T	
---	--	---	--

