

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12535 of 2021

Arising Out of PS. Case No.-218 Year-2020 Thana- PIPRA District- Supaul

PANKAJ KUMAR Son of Shrawan Kumar, Resident of Village - Sirdilpur,
Police Station - Patori, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 9941 of 2021

Arising Out of PS. Case No.-218 Year-2020 Thana- PIPRA District- Supaul

1. LALIT SARDAR Son of Badri Sardar @ Badri Narayan Sadar, Resident of Village - Bhaiyaram Chakla, P.S.- Pipra, Dist.- Supaul.
2. **BADRI SARDAR @ BADRI NARAYAN SARDAR SON OF LATE DHUTHAR SARDAR**, Resident of Village - Bhaiyaram Chakla, P.S.- Pipra, Dist.- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 10193 of 2021

Arising Out of PS. Case No.-218 Year-2020 Thana- PIPRA District- Supaul

1. ASHOK SARDAR SON OF BADRI SARDAR @ BADRI NARAYAN SARDAR, RESIDENT OF VILLAGE- BHAIYARAM CHAKLA, P.S- PIPRA, DISTRICT- SUPAUL.
2. DINESH SARDAR SON OF BHUMI SARDAR, RESIDENT OF VILLAGE- CHIT DUBIYAH, P.S- PIPRA, DISTRICT-SUPAUL.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 12535 of 2021)

For the Petitioner/s : Mr. Siddhartha Prasad

For the Opposite Party/s : Mr. Parmeshwar Mehta



(In CRIMINAL MISCELLANEOUS No. 9941 of 2021)
For the Petitioner/s : Mr. Pramod Mishra
For the Opposite Party/s : Mr. Narendra Kumar Singh
(In CRIMINAL MISCELLANEOUS No. 10193 of 2021)
For the Petitioner/s : Mr. Pramod Mishra
For the Opposite Party/s : Mr. Jai Narain Thakur

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 21-01-2022 Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State through video conferencing.

The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

At the very outset, the learned counsel for the petitioners has submitted that during the pendency of this criminal miscellaneous petition, Badri Sardar @ Badri Narayan Sardar, petitioner no.2 of Cr. Misc. No. 9941 of 2021, has been arrested, as such, this criminal miscellaneous petition has become infructuous with respect to him.

In view of above submission, this criminal miscellaneous petition is **dismissed as infructuous** with respect to **petitioner no.2, Badri Sardar @ Badri Narayan Sardar**.

So far as **rest petitioners** are concerned, they apprehend their arrest in connection with Pipra P.S. Case No.218 of 2020 registered for offence punishable under sections



406, 409, 420, 120B of the Indian Penal Code.

As per allegation, a serious irregularity has been found in Mukhyamantri Gramin Gali-Nali Pakkikaran Nishchay Yojana No. 1/2019-20 and allegation against the petitioners is that they were involved in that irregularity.

From perusal of the record it appears that the money was withdrawn, but the work has not been done in respect of the government scheme mentioned above. The Three-Members Enquiry Committee furnished its report and as per that report prima facie involvement of the petitioners was found.

The learned counsel for the petitioner Pankaj Kumar has submitted that Pankaj Kumar is Junior Engineer and the allegation against him was not found by the Department prima facie, as his name was not mentioned in the persons against whom there is an allegation of defalcation of money. He has further submitted that the entire money in respect of Scheme No. 1 has been deposited. He has also submitted that the estimate in respect of Scheme no. 2 was not in the hand writing of Pankaj Kumar, to which the learned APP replies that, of course, it may not be hand writing of Junior Engineer, but it is the duty of the Junior Engineer to prepare the estimate.

The case diary has been called and the statements of



some independent witnesses have been recorded in paragraph nos. 8 and 15 of the case diary. These witnesses have stated that without performing any work, the accused persons have misappropriated the government money. It has also been mentioned that Pankaj Kumar, the then Junior Engineer, has flouted the direction of the Department and has prepared estimate without visiting the site. The estimate in respect of Scheme No. 2 has been found forged.

Considering these facts and circumstances, it appears that none of the petitioners deserve the privileges of anticipatory bail and accordingly their prayer for anticipatory bail is hereby rejected.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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