

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17794 of 2023

Arising Out of PS. Case No.-520 Year-2022 Thana- GRIYAK District- Nalanda

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PARMANAND KUMAR SAVITA Son of Late Dinesh Sharma Resident of
village - Rajgir Jogitola, P.S.- Rajgir, District - Nalanda, Panchayat Rozgar
Sevak - (EMP ID - 100486) Block and P.S.- Katrisarai, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mayank Raj, Advocate

For the Opposite Party/s : Mr.Anil Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioner and the

learned APP for the State

The petitioner apprehends his arrest in connection
with Giriyak (Katrisarai) P.S. Case No.520 of 2022 instituted
under Sections 406, 420 and 409 of the IPC lodged on
07.10.2022 by the informant Ashutosh Kumar.

As per the prosecution story, the informant alleged
that on the order of the Deputy Development Commissioner,
Nalanda, the renovation work was being done of "Marari Pond"
in village Chachubigha under Yojana No. 02/2022-23 Yojana
Code (WC/20541806) under 'Azadi Ka Amrit Mahotsav'



scheme. It was inspected by two different inspecting authorities. On 28.07.2022 the Executive Engineer, MANREGA, Nalanda and on 29.07.2022, the District Agriculture Officer, Nalanda too had inspected the project and found grave financial irregularities in implementation of the aforesaid scheme. It is alleged against the petitioner that the petitioner has noted the attendance of the laborers more than the number of persons actually deployed under the scheme and hence more payment has been disbursed than needed. Accordingly, the FIR.

It has been submitted by the learned counsel for the petitioner that he is ready to appear before the concerned authority to satisfy them about the genuineness of the names recorded by him.

Learned APP on the other hand opposes the prayer for anticipatory bail stating that there is allegation against him.

Taking into account the submission put forwarded by the learned counsel for the petitioner, this Court is inclined to grant him privilege of provisional bail for ten weeks with conditions:

- (i) he will appear before the concerned authority within two weeks from today and shall present all the documents in



support of his case;

(ii) the said authority will look into the documents and will come to a conclusion whether the members/names were wrongly incorporated or not by the petitioner;

(iii) it will accordingly certify and provide a copy of said certificate within four weeks thereafter to the petitioner to be presented before the concerned court;

(iv) if the court is satisfied, it shall confirm the bail.

Let the petitioner be released on provisional bail for ten weeks, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each in connection with Giriyak (Katrisarai) P.S. Case No.520 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

If no such process is undertaken by the petitioner and no such certificate comes to the concerned court after ten weeks,



the petitioner will be duty bound to surrender and seek bail
and/or the concerned court will take steps for his arrest.

Accordingly, the petition stands disposed of.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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