

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55960 of 2023**

Arising Out of PS. Case No.-24 Year-2023 Thana- MAIN P.S. District- Gaya
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MD. ZAFAR IMAM Son of Md. Maqusood Kuraishi R/O Mohalla - Belhariya,
P.O. and P.S.- Tekari, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Ranjan
For the Opposite Party/s : Mr. Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-12-2023 Heard Mr. Alok Ranjan, learned counsel for the

petitioner and Mr. Parmeshwar Mehta, learned A.P.P. for the

State.

The petitioner apprehends his arrest in connection
with Main P.S. Case No. 24 of 2023 registered for the offence
under Sections 420, 406, 467, 468, 471 and 34 of the Indian
Penal Code.

The petitioner being the Panchayat Rojgar Sevak
alleged to have found involved in the committing irregularity
in several schemes during the year 2016-21 carried out
under the MANREGA scheme and embezzled government
fund to the tune of Rs. 6,47,823.

Learned counsel appearing for the petitioner



submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that the petitioner was posted as Panchayat Rojgar Sevak of Kormathu Gram Panchayat at the relevant point of time in Belaganj Block, Gaya. In the year 2021, he was transferred to Gurua Block, and the petitioner has to submit Muster roll to the higher officials and after verification by the senior authorities, the wages of the workers were sent in the bank account of the laborer/workders under the MNREGA. He further submits that the petitioner had no concern with any technical measurement as well as payment and financial distribution. He further submits that the entire work in question is of the year 2016-2017 and the present F.I.R. has been instituted in the year 2023 and on perusal of the F.I.R. as well as relevant papers annexed with the F.I.R., it transpires that according to the inquiry report of Lokpal MNREGA out of 26 schemes, irregularity has been found in five schemes which are figured at serial Nos. 1, 8, 11, 17, 19 in the inquiry report.

Learned counsel for the petitioner further relying on the inquiry report dated 23.06.2022 submits that involvement of the petitioner in the five schemes in question



have not been figured out. The petitioner is nowhere found responsible for distribution of money for the work in question. Neither has been a beneficiary of the government fund in any manner.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that according to the inquiry report, irregularity has been found in five schemes and altogether Rs. 647823/-has been defalcated by the petitioner and other accused persons by not carrying out the work in question as per the guidelines of the scheme.

Considering the facts and circumstances of the case, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Gaya in connection with Main P.S. Case No. 24 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the



Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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