

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60822 of 2022

Arising Out of PS. Case No.-387 Year-2021 Thana- NAUBATPUR District- Patna

UMESH PRASAD SINGH S/o Sri Budhdeo Prasad Singh R/v- Goshai Tola,
near at Kuan, P.S.- Patliputra, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with Naubatpur P.S. Case No.387 of 2021, registered for the offence punishable u/s 420, 409 of the IPC.

As per prosecution case, the F.I.R. has been lodged on the basis of the report of the Block Development Officer, Naubatpur on 04.08.2021 stating therein that petitioner being the Junior Engineer of Naubatpur Block has got Rs.59,39,400/- sanctioned in contravention of the limit of Rs.12-13 Lakhs for the work of the programme in the name of Chief Minister Gramin Nali-Gali Pakkikaran Nikshya Yojana of ward No.7 of Gram Panchayat, Ajwan. As per informant, when report from working and managing committee of the ward was sought, the committee



opined that only amount of Rs.46,19,683 was spent on the project and rest money was devoured by the petitioner in association with other accused persons.

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 merely on suspicion. No such occurrence, in the manner as alleged, has ever taken place. Petitioner is working according to the Rules and guidelines provided by the Government. It is submitted that earlier for the same block regarding violation of guidelines, an F.I.R. was lodged against the Mukhiya and Secretary of Panchayat and thereafter a direction to file a certificate case was given with a view to recover the amount but the informant lodged the present F.I.R. and implicated the petitioner as an accused. In the earlier case filed by the informant as Naubatpur P.S. Case No.343 of 2020, petitioner was not made an accused. The petitioner has intimated the estimate of the Scheme before the passing of the alleged scheme and he has got no knowledge about letter no-269 dated 17.01.2017. Petitioner has two criminal antecedent and two of the co-accused namely Ajit Kumar and Manoj Kumar, being the ward members of Ward No.7, have been granted anticipatory bail by co-ordinate Bench of this Court vide order



dated 03.11.2022 passed in Cr. Misc. No.70890 of 2021 and Cr. Misc. No.71460 of 2021.

Learned APP for the State opposed the prayer for anticipatory bail by submitting that Rs.59,39,400/- was withdrawn from the Government exchequer whereas Rs.46,19,683/- was spent on the work for which the money was slated. There was difference of Rs.13,19,717/- which was not accounted for as to what purpose it was spent, which shows that misappropriation has been done. Furthermore, the other co-accused have been granted anticipatory bail on the basis that on the same set of allegation, two F.I.R. was registered.

Having regard to the facts and circumstances of the case and considering the nature of allegation, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for grant of bail on his behalf is hereby rejected.

This application is accordingly, dismissed.

(Anjani Kumar Sharan, J)

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