

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61888 of 2023

Arising Out of PS. Case No.-349 Year-2021 Thana- SAHPUR District- Bhojpur

Rajesh Mishra S/O - Late Bhuneshwar Mishra R/O Village - Bharawali, P.O.
And P.S. - Sahpur.

... .. Petitioner/S

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Nath, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 27-02-2024 Heard Mr. Ashutosh Nath, learned counsel appearing
on behalf of the petitioner and Mr. Parmeshwar Mehta, learned
APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Shahpur P.S. Case No. 349 dated 2021 registered for the
offence(s) punishable under Sections 420, 409, 406/34 of the
Indian Penal Code.

3. As per the allegation made in the FIR, on the basis
of inspection conducted by the District Magistrate with respect
to the misappropriation of fund found in implementation of the
Nali Gali Yojana in Bharoli Gram Panchayat, P.S.- Shahpur,
Bhojpur. The petitioner is Panchayat Secretary of Ward No.5 of
the said village, for which total sum of Rs.14 lakhs was
allocated for completion of the Nali Gali Yojana.

4. Learned counsel appearing on behalf of the petitioner submitted that it is not a case that the inspecting team found that no work has been completed but they have shown the work is not satisfactory and it did not need the requirement parameter. He submitted that the petitioner can not be held to have committed crime for the act, which can be rectified by him. The petitioner has admittedly completed the work as per the work order and the payments were made by him to the beneficiaries, as well as, the trader(s), from whom the material was purchased, as per requirement of the scheme.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submission made on behalf of the parties, as well as, in compliance of interim order dated 11.10.2023, the work was completed to the total value of Rs.13,58,000/- and the remaining amount of 77,000/-, which was required to be paid by the petitioner, has already been credited into the account of the State Treasury (Annexure-P3). The petitioner, in support of the said claim, has filed supplementary affidavit bringing on record the challan, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court

below within a period of four weeks from today, on furnishing
bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two
sureties of the like amount each to the satisfaction of learned
Additional Chief Judicial Magistrate – I, Ara in connection with
Shahpur P.S. Case No. 349 dated 2021, subject to the conditions
as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J.)

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