

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67900 of 2023

In
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

Mr. Anand Gautam, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 23-02-2024 Heard Mr. Anand Gautam, learned counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned APP for the

State.

2. In this case, a counter affidavit on behalf of the

Deputy Development Commissioner, Nalanda at Biharsharif is

on record and paragraph 8 read as follows:

*“8. That it is respectfully submitted that in

pursuance to the direction given by the

answering respondent an enquiry was made on

20.09.23 by the team constituted in the light of

order dated 25.05.2023 and 13.10.2023 passed

by the Hon'ble Court and joint enquiry report*



dated 28.10.2023 has been submitted. As per enquiry report a scheme bearing Code No. 0502013005/WC/20541806 has been sanctioned for renovation of Bhararhi Pokhar Chachhu Bigha under Azadi Ke Amrit Mahotsav for the estimated cost of Rs. 6,56,890/-. The date of start of the work under scheme was 01.06.2022 and completion of the work was fixed as on 01.08.2022, during this period Rs. 5, 87,790/- was paid for implementation of the work. As per muster roll 91 labourers were paid their wages till 03.07.2022 in execution of the work of the said scheme. It is relevant to mention here that in the earlier enquiry the work equivalent to Rs. 89840/- was expended in execution of the work and on 20.09.23 at the time of enquiry made by the enquiry team, the concerned Pokhar was filled with 01 to 1.5 ft water as a result no measurement of actual depth could be made. However, the depth of water level of Pokhar was found as approximately 2.5 ft. from the level of nearby fields, which indicates that after earlier enquiry as well as completion of master



roll work has been done under the said scheme. Therefore, it was held by the enquiry team that after withdrawal of the amount under scheme and after earlier enquiry the payment of wages has been made to the labourers named in the master roll either without taking work or taking minimum work from them.”

3. In view of the matter, it would be appropriate that the petitioner surrenders and seek bail.

4. The anticipatory bail application stands rejected.

5. If the petitioner surrender within four weeks from today, the interim protection granted to him earlier shall continue till an order is passed by the concerned Court. In absence of that, the interim protection will come to an end after the lapse of four weeks.

6. While passing an order in the bail application, preferably on the same day, the Court concerned shall not take into consideration any observation or the statement of the counter-affidavit that has come on record.

(Rajiv Roy, J)

Adnan/-

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