

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82242 of 2024

Arising Out of PS. Case No.-165 Year-2022 Thana- BAKHARI District- Begusarai

Shailesh Kumar Das Son of Shri Hari Prasad Das Resident of Village -
Kurmidih, P.O. - Haripur, Kolba, P.S. - Madhupur, District - Deoghar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Anand, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered under Sections 406 and 409 of the Indian Penal Code.

3. As per F.I.R., certain purchases were made by the Nagar Panchayat, Bakhri, whereafter an inquiry was held by the Vigilance Department and it transpired that lot of discrepancies had crept in, the provisions contained in the Bihar Financial Rules, 2005 have not been followed, tenders were invited without disclosing specification of the articles to be purchased as also supply orders were issued without obtaining quotations. The Vigilance Department had also found various irregularities in purchase of CCTV cameras, Four Cylinder Power Tractor (J.C.B. Set), Street Light and High Mast Light etc.



4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has falsely been implicated in the present case. Further submission is that at the relevant time, petitioner was posted as Deputy Collector Land Reforms Officer, Bakhri, and for a very short period i.e. from 23.07.2013 to 25.10.2013 and from 06.04.2015 to 29.05.2015, petitioner was given a charge of In-charge Executive Officer of Nagar Panchayat, Bakhri. During the aforesaid period, petitioner performed his duty within the limit of his role as an In-charge Officer, adhering fully to the established framework. It is submitted that petitioner was neither the member of the Standing Committee or that of the Purchase Committee. The decision to purchase materials were taken by the Purchase Committee and Empowered Standing Committee, thereafter, payments were made by the Executive Officer. The resolution of the Purchase Committee was approved by the Board, which was the collective decision and as such, petitioner alone cannot be held responsible for the commission of offence. Similarly situated several co-accused persons have already been granted bail by this Court and by a co-ordinate Benches of this Court *vide* orders dated 18.04.2023, 08.05.2023, 18.05.2023 and 11.07.2023 passed in Cr. Misc. Nos. 8184 of 2023, 17 of 2023,



7351 of 2023 and 71122 of 2022 respectively.

5. Learned A.P.P. for the State opposed the prayer for bail.

6. Having considered the aforesaid facts and circumstances of the case as well as the materials available on record, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned court below within a period of eight 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 Sub-Judge-VII-cum-Additional Chief Judicial Magistrate-VI, Begusarai in connection with Bakhri P.S. Case No. 165 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Singh, J)

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