

Avani Kumar Singh Vs. the State of Bihar

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Court : Patna

Decided On : May-19-2012

Appellant : Avani Kumar Singh

Respondent : The State of Bihar

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous No.1956 of 2012 Avani Kumar Singh Versus The State Of Bihar ----- with Criminal Miscellaneous No.1964 o

1. Krishna Kant Prasad, 2. Saket Ranjan Versus The State Of Bihar ----- 2/ 19.1.2012 Heard learned counsels for the petitioners and the State. The petitioners being Programme Officer, Assistant Engineer and Junior Engineer, are apprehending their arrest in a case registered for offences under sections 419, 420, 467, 468, 471, 409 and 34 of the Indian Penal Code. The written report was lodged by the Programme Officer of the Asarganj Block (one of the petitioners) alleging therein that Scheme No. 1/2010-11 pertaining to the construction of Tetar embankment and culvert for an estimated amount of Rs.12,12,800.00 and for Scheme No. 2/2010-11 pertaining to construction of pond and check dam in Gram Panchayat, Jarari under the MANREGA Scheme. The work under the aforesaid two schemes were enquired into by the informant and the SDO under the orders of the Collector, when it was noticed that the Notice Board was not placed on the spot, exaggerated entries were made with regard to the work in the measurement book and consequent withdrawal was made. The

Panchayat Rojgar Sevak, Mukhia or middle 2 men used to keep Job Card of the labourers, which was to be retained by the labourers. Payments of wages were made against the fictitious labourers through fictitious accounts in the post office. Sub standard materials were used in the construction and wrong estimates were made. It appears that the petitioner Awani Kumar Singh being the Programme Officer was the informant of the case whereas Krishna Kant Prasad and Saket Ranjan being Assistant Engineer and Junior Engineer were not in the First Information Report but their names subsequently surfaced during the investigation as connivers and conspirators. With the orders of the District Magistrate initially the First Information Report was lodged against Mukhia, Panchayat Rojgar Sewak, Post Master and the middle men. It is submitted by the learned counsel for the petitioners that during investigation, nothing substantive has surfaced against the petitioners and the investigation is still pending. It is further submitted that the FIR named accused persons have been granted bail on depositing Rs.25,000.00 each for which the petitioners are also ready and they undertake to cooperate in the investigation. Considering the aforesaid submission of the petitioners, particularly, the fact that the investigation is still pending, let the petitioners be released on bail in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing the bail 3 bond of Rs.10000/(ten thousand) each with two sureties of the like amount each to the satisfaction of C.J.M. Munger in Asarganj P.S. Case no. 8 of 2011 subject to the conditions as laid down under section 438(2) of the Cr.P.C. It is made clear that the bail bond of the petitioners will not be accepted by the learned court below unless the petitioners deposit Rs.25,000.00 (twenty five thousand) each which will be invested in some fixed deposit schemes in connection with the present case, which will be subject to the result of the present case and further each petitioner will file an affidavit that they will cooperate in investigation and the said affidavit will be forwarded by the learned court below to the concerned I.O. of the case. Anil/ (Dinesh Kumar Singh, J.)