

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30647 of 2015

Arising Out of PS.Case No. -54 Year- 2015 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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Jaya Devi W/o Munna Pandey resident of village - Bharwaliya, P.S.
Motihari Muffasil, District - East Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.49258 of 2015

Arising Out of PS.Case No. -54 Year- 2015 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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Chhotelal Yadav @ Chhote Prasad Yadav Son of Late Yogendra Rai, the
then Panchayat Sachiv, Gram Panchayat Raj, Ram Singh Chhatauni, Block
- Motihari Sadar, P.S. - Motihari Muffasil, District - East Champaran,
permanently resident of village - Manglapur, P.S. - Sangrampur, District -
East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.38942 of 2015

Arising Out of PS.Case No. -54 Year- 2015 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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Sukhdeo Thakur @ Sukdeo Thakur S/o Late Jagatlal Thakur Resident of
Village Chhagraha, P.S. Sugawali, District West Champaran. At present
working as a Panchayat Sewak of Gram Panchayat Raj, Chhatauni, P.S.
Sugawali, District West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :
(In Cr.Misc. No.30647 of 2015)
For the Petitioner : Mr. Shri Prakash Srivastava, Advocate.
For the Opposite Party : Ms. Rina Sinha(App)

(In Cr.Misc. No.49258 of 2015)

For the Petitioner : Mr. Umesh Chandra Verma, Advocate.

For the Opposite Party : Mr. Tapeswar Sharma, (App)

(In Cr.Misc. No.38942 of 2015)

For the Petitioner : Mr. Surendra Kishore Thakur, Advocate.

For the Opposite Party : Mr. Abhay Kr. Roy, (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

8 17-12-2015

Heard Mr. Shri Prakash Srivastava, Mr. Umesh Chandra

Verma and Mr. Surendra Kishore Thakur learned counsel for the petitioners and the learned APP.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 406, 409, 420 and 120(B) of the Indian Penal Code.

The petitioners being Mukhiya and Panchayat Sachiv are alleged to have withdrawn a huge amount for completion of different schemes. But, on enquiry it was found that neither there is any document for estimation of the schemes nor any measurement book was found.

Learned counsel for the petitioners submits that the petitioner Jaya Devi is Mukhiya and Panchayat Sachivs are executing agent of the schemes. The Mukhiya has not taken any amount for execution of the schemes. Mr. Umesh Chandra Verma and Mr. Surendra Kishore Thakur learned counsel appearing on behalf of petitioner no. 2 and 3 have submitted that Chhotelal Yadav @ Chhote Prasad Yadav has handed over the charge on 14.10.2011 to his successor. Sukhdeo Thakur @ Sukdeo Thakur has also handed over the

charge to his successor on 28.09.2014. The successor Panchayat Sachivs could not produce any papers, for that they are not liable. It is further submitted that they have worked for the advance taken by them in execution of the schemes.

From perusal of the FIR and the case diary it appears that against more than 25 schemes, huge amount was withdrawn for completion of the schemes, but the schemes were not completed. Without sanction of Mukhiya no advance could be given and it appears that the Mukhiya and Panchayat Sachivs without following the rule took out huge amount and misappropriated the same.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the same is rejected.

However, the petitioners, if so advised, may surrender before the court below and the court below shall consider the regular bail of the petitioners on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

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