

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.37936 of 2015**

Arising Out of PS.Case No. -595 Year- 2014 Thana -NAUBATPUR District- PATNA

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1. Gupteshwar Singh Son of Late Rajeshwar Singh  
2. Radha Mani Devi Wife of Gupteshwar Singh Both residents of village -  
Bichhedi, P.S. Naubatpur, District - Patna

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Matukdhari Singh Son of Sri Ramanand Sharma Resident of village -  
Dariyapur, P.S. Naubatpur, District - Patna

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dhananjay Kumar

For the Opposite Party/s : Mr. Aditya Narayan Singh (App)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR**  
**JHA**

ORAL ORDER

3      05-11-2015                      Heard the learned counsel for the petitioners, the  
  
learned counsel for the informant and the learned Additional  
  
Public Prosecutor.

The petitioners apprehend their arrest in a case under  
  
Section 406, 420, 409, 467, 468, 471, 120B/34 of the Indian Penal  
  
Code.

The informant filed a complaint petition along with  
  
the enquiry report of Senior Deputy Collector, Danapur with  
  
regard to illegality and irregularity committed in execution of  
  
different schemes in Dariyapur Panchayat.

The learned counsel for the petitioners submits that



petitioner No.1 was Mukhiya of Gram Panchayat Dariyapur till 2006 and petitioner No.2 is wife of petitioner No.1 and she was elected Mukhiya after 2006. It is submitted that a detailed enquiry was held and some irregularities were found and in pursuance thereof the Block Development Officer, Naubatpur vide letter No. 636 dated 19.06.2014 informed that in pursuance of the order of the Hon'ble High Court Naubatpur P.S. case No. 66/2014 was registered. On perusal of the records, it would appear that with regard to almost all the schemes, which are subject matter of the present complaint petition, an enquiry was held and FIR was lodged. In the aforesaid case petitioner No.2 has already been enlarged on anticipatory bail vide order passed in Cr. Misc. No. 19719 of 2014. There is no specific allegation that the petitioners committed any irregularity. The Panchayat Secretary was the executing agent of different schemes and on same and similar facts informant filed complaint case on the basis of which the present FIR was lodged.

The learned counsel for the informant and the learned Additional Public Prosecutor, however, opposed the prayer for anticipatory bail and submitted that the petitioners, Panchayat Secretary and Junior Engineer committed several irregularities and illegalities and defalcated huge amount.

It appears that Senior Deputy Collector made enquiry with regard to scheme Nos. 5/ 03-04, 1/ 05-06, 11/ 05-06 and onwards on the basis of which Naubatpur P.S. case No. 66/2014 was registered and almost on the same facts the present case was also registered on the basis of complaint filed by the informant.

Considering the facts aforesaid and the nature of allegations made against the petitioners, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Danapur, Patna in Naubatpur P.S. Case No. 595 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Prabhat Kumar Jha, J)**

BKS/-

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