

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43310 of 2015

Arising Out of PS.Case No. -335 Year- 2015 Thana -ARARIA District- ARRARIA

1. Md. Islamuddin @ Islamuddin S/o Md. Zahoor Panchayat Secretary
Gaira Resident of Village Karankiya P.S Bousi, District Araria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.43962 of 2015

Arising Out of PS.Case No. -335 Year- 2015 Thana -ARARIA District- ARRARIA

1. Smt. Gulshan Ara, W/o Md. Imtiyaz Alam, resident of Village- Gaira,
P.S.- Araria, District- Araria, Mukhiya, Gram Panchayat Raj Gaira.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.43310 of 2015)

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. Anand Kishore Chaudhary(App)

(In Cr.Misc. No.43962 of 2015)

For the Petitioner/s : Mr. Sushanta Kumar Das

For the Opposite Party/s : Mr. Kalyan Shankar (App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

4 15-12-2015 Heard both sides.

The petitioners apprehend their arrest in a case under
Section 406, 409, 420, 120(B) of the Indian Penal Code.

The petitioner, Gulshan Ara, is Mukhiya of Gram
Panchayat, Gaira and petitioner, Md. Islamuddin, was the



Panchayat Secretary of Gram Panchayat Gaira from 03.04.2014 to 22.06.2015. It is alleged that an enquiry was held by the Senior Deputy Collector who found that against scheme No. 03/2014-15 Rs. 4, 07500/- was withdrawn but no work was started. For scheme No. 03/12-13, under constructed building was found on a private land. Similarly, advance was given for many other schemes but no work was done or only some work was done. It is alleged that the petitioners misappropriated a huge amount.

The learned counsel for the petitioner, Gulshan Ara, submits that petitioner is Mukhiya of the Gram Panchayat. She did not receive any money but on her recommendation money was advanced to the contractor. She is not responsible for withdrawal of money. The learned counsel for the petitioner, Md. Islamuddin, submits that the petitioner was posted as Panchayat Secretary for a period of one year and three months and he issued cheques worth Rs. six lacs on the recommendation of Mukhiya. It is submitted that no prior sanction has been obtained from the District Magistrate vide annexure-3, the District Magistrate has directed the authorities not to lodge the case without holding an enquiry but from perusal of the records, it appears that the Senior Deputy Collector has held enquiry and found huge illegality in execution of different schemes vide his report dated 23.03.2015 on the basis

of which the FIR is lodged. It appears that the Mukhiya made recommendation for issuance of cheques in many schemes in which no work was done and even then he recommended for issuance of further advance. The Panchayat Secretary also issued cheques for Rs. 6 lacs with regard to such schemes in which no work was done.

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

(Prabhat Kumar Jha, J)

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