

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31249 of 2016

Arising Out of PS.Case No. -111 Year- 2016 Thana -PARWATTA District- KHAGARIA

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1. Pawan Chaudhary @ Pawan Kumar Chaudhary, Son of Late Chamak Lal Chaudhary, Resident of Village-Sirajpur, Ex-Mukhiya, Temtha Karari Panchayat, P.S- Parbatta, District- Khagaria.
 2. Bambam Chaudhary @ Bambam Kumar Chaudhary Son of Late Ram Guruji Chaudhary Resident of village- Sirajpur, P.S. - Parbatta, District- Khagaria.
 3. Anil Sharma, Son of Chhote Lal Sharma, Resident of Village-Sharma Tola, Temtha, P.S.- Parbatta, District-Khagaria

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Dr. Amarendra Kumar, Advocate
For the State : Mr. Sri Anil Kumar Singh 1, A.P.P.
For the informant : Mr. Anil Kumar Chaudhary, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 11-08-2016 Heard learned counsel for the petitioners, the State and the informant.

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

It is contended that there is no specific allegation against the petitioner nos. 2 and 3. As per allegation in the complaint petition, which was subsequently sent for investigation to the police under Section 156 (3) Cr.P.C., upon which FIR was lodged, the petitioner no.1 has allegedly made several irregularities in



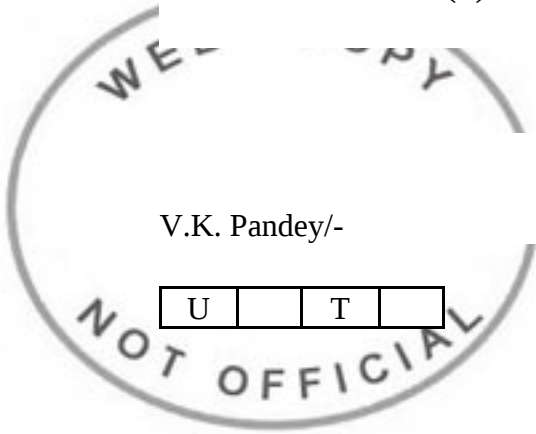
purchase of Solar light from the year 2006-07 till 2009-10 as he was the Mukhiya. The basis of complaint is an enquiry conducted by the Sub-Divisional Officer which has been sent to the District Magistrate, Khagaria. A copy of the enquiry report dated 6.04.2016 has been appended with the complaint petition/FIR. It is contended on behalf of the petitioners that the cases are being filed by the complainant, namely, Kusheshwar Chaudhary who has been described as a Ward Member of the concerned Gram Panchayat due to the personal grudge and political rivalry to assure that somehow other cases are instituted against the petitioners and he could not contest the election of Mukhiya. To substantiate these averments, the petitioners draws attention of this Court towards paragraph 1 of the complaint petition itself and submits that for the alleged irregularities done from the year 2006-07 till 2009-10, complaint lodged on 17.05.2016. The informant was a Ward Member but he did not raise such issue prior to 2016. Suddenly 2-3 months before the ensuing Panchayat election, he lodged three cases against him only for that purpose. In other two cases also, allegation is of misappropriation of funds and irregularities having been committed in MANREGA Scheme in the year 2013-14. One of such cases, the petitioner no.1 has been granted anticipatory bail by the Sessions Judge and in second

case, it is contended that a coordinate Bench of this Court has granted anticipatory bail vide order dated 27.06.2016 passed in Cr. Misc. No.17534/2016.

Learned counsel for the Informant has submitted that the enquiry conducted by the Sub-Divisional Officer indicates towards certain irregularities, however, learned counsel for the petitioners submits that enquiry report does not disclose that the petitioner no.1 was given any chance to explain anything. Secondly, it is contended that he has not been noticed from the District Magistrate to explain his conduct upon such enquiry report, thus, that may be a piece of evidence but that does not prove the guilt of the petitioner no.1 specially when the enquiry was conducted behind his back.

Having regard to the facts and circumstances of the case, let the petitioners, namely, Pawan Chaudhary @ Pawan Kumar Chaudhary, Bambam Chaudhary @ Bambam Kumar Chaudhary and Anil Sharma be released on bail in the event of their arrest/surrender before the court below within a period of six weeks from today in connection with Parbatta P.S. Case No.111/2016, on furnishing bail bonds of Rs.10,000 (Ten Thousand Rupees) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-1,

Khagaria, subject to the conditions as laid down under sub-section
(2) of Section 438 of the Code of Criminal Procedure.



(Dr. Ravi Ranjan, J)