

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11377 of 2017

Arising Out of PS.Case No. -42 Year- 2016 Thana -GURARU District- GAYA

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Devendra Kumar Mishra, aged about 45 years, S/o Late Bidhyadhar Mishra,
Resident of Village- Barorah, P.S.- Guraru, District- Gaya Petitioner/s
Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar Mishra. Advocate

For the Opposite Party/s : Mr. Sri Navin Kumar Pandey, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 21-03-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner, apprehending his arrest in connection
with Guraru P.S. Case No. 42 of 2016 registered for the offences
punishable under Sections 188, 171(E), 120(B), 409 and 420 of
the Indian Penal Code, seeks the privilege of pre-arrest bail.

Allegedly, the petitioner being Mukhiya of Gram
Panchayat, Barorah and Panchayat Secretary, in spite of there
being model code of conduct, withdrew amount of Rs. 12,90,000/-
on 12.04.2016 through different cheques which was the amount of
14th Finance Commission Scheme and further pension amount was
also distributed on 27.04.2016 though the model code of conduct
has come into force on February 2016 itself and information was
given to all concerned.

Submission is of false implication and that the amount



was withdrawn in connection with old scheme and not for new scheme, as per direction of Block Development Officer, the pension amount was distributed and, as such, the petitioner has not committed any offence and he deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail by submitting that from bank account it reveals that the petitioner and Panchayat Secretary withdrew the said amount when model code of conduct was in force.

In the facts and circumstances as stated above, considering the allegation, I am not inclined to grant privilege of pre-arrest bail to the petitioner, and accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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