

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16523 of 2017

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

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Ramjatan Prasad S/o Sri Ramchandra Saw, Resident of village - Ilara, P.S.
Cherki, District - Gaya

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Uday Kumar Mishra

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 06-07-2017 Heard Sri Uday Kumar Mishra, learned counsel for
the petitioner and learned Addl. Public Prosecutor.

The sole petitioner, who was at the relevant time Panchayat Secretary, has approached this Court for extending the privilege of anticipatory bail in Guraru P.S. Case No.42/2016 registered for the offence under Section 188, 171(E), 120(B), 409 and 420 of the Indian Penal Code.

It was submitted by learned counsel for the petitioner that the allegation made against the petitioner is not sustainable. He submits that it is true that notification of election was made, but restriction for withdrawal of fund was only applicable for new schemes, not in relation to old schemes. He submits that all funds regarding which fund was withdrawn



regarding old schemes. In continuation of work withdrawal was made and , as such, no case is made out against the petitioner. Accordingly, he has made a prayer for grant of anticipatory bail.

However, on going through the F.I.R. it is evident that about 12.90 Lacs was withdrawn by the petitioner in the joint signature of the Mukhiya of the concerned Panchayat. The F.I.R. indicates that no account has been furnished. Meaning thereby that there is element of commission of offence as indicated in the F.I.R.

Considering the nature of accusation, I do not find any ground to extend the privilege of anticipatory bail.

(Rakesh Kumar, J)

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