

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45811 of 2016

Arising Out of PS.Case No. -102 Year- 2016 Thana -JHANJHARPUR District- MADHUBANI

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1. Indradeo Jha son of Ram Lakhan Jha Resident of Village-Bhakhraim,
P.S.-Madhepur, District-Madhubani, at Present Panchayat Sachiv,
Jhanjharpur, P.S.-Jhanjharpur, District-Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Sri Arbind Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 05-07-2017

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 409 and 420 of the Indian Penal Code.

Allegation against the petitioner is that while working as Panchayat Secretary, the petitioner in the capacity of executor of different schemes of the government withdrew money from the government's fund and did not complete the schemes. Allegation is of defalcation of Rs.47,80,000/-.

Submission of the learned counsel for the petitioner is that this is not a case of non-execution of work rather non-completion of the work assigned to the petitioner and due to dispute with the ex-serviceman, present false case has been



lodged.

The order 03.03.2017 reveals that four months time was allowed on the prayer of the petitioner to refund the remaining amount as disclosed in the FIR.

The petitioner could not mange the money to refund the same.

Considering the nature of allegation against the petitioner, I am not inclined to allow anticipatory bail in connection with Jhanjharpur Police Station Case No. 102 of 2016 corresponding to G.R. No. 1155 of 2016 pending in the court of learned Additional Chief Judicial Magistrate, Jhanjharpur, Madhubani/successor court.

(Birendra Kumar, J)

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