

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26733 of 2017

Arising Out of PS.Case No. -28 Year- 2016 Thana -CHIRAIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Ashutosh Kumar Mahto, son of late Satya Narayan Mahto, resident of
village- Singrahiya, P.S.- Ghora Sahan, District- East Champaran
(Motihari).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 02-08-2017

Heard learned counsel for the Petitioner and the

State.

The Petitioner apprehends his arrest in Chiraiya P.S.

Case No.28 of 2016 instituted for the offence under Section(s)

409, 420 Indian Penal Code pending in the Court of the Sub-

Divisional Judicial Magistrate, Sikrahana East Chamapran.

As per written report filed by Block Development Officer, Chiraiya Block, the petitioner, who was Panchayat Secretary, was allotted four schemes, but he has not completed those schemes and misappropriated ₹8,25,100/-. Out of four schemes, three schemes related to construction of Anganbari Building, whereas, fourth scheme is related to construction of sitting place at Brahm Asthan, and accordingly, on the direction



of the SDO, Sikrahana, case has been lodged against the petitioner.

Case diary has been received.

It has been submitted on behalf of the petitioner that the police has mentioned in para 15 that on inspection of place of construction it was found that a platform measuring 25' x 25' has been constructed at Brahm Asthan.

In the First Information Report, it is mentioned that none of the construction work of any of the schemes has been done by the petitioner and he has defalcated ₹8,25,100/-.

In such circumstances, this Court does not find it a fit case for grant of anticipatory bail.

Prayer of the petitioner for grant of anticipatory bail is rejected.

The petitioner may surrender in the Court below and seek regular bail, which shall be considered and disposed off preferably on the same day in accordance with law on its own merit without being prejudiced by this order.

(Sanjay Priya, J)

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