

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No. 1593 of 2018**

Arising Out of PS. Case No.-2 Year-2017 Thana- Sikandara District- Jamui

Onkar Mandal @ Onkar Prasad, Son of Sri Yugal Prasad, Resident of Village-  
Patambar, P.O.-Patambar, P.S.-Sikandra, District-Jamui,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Amrit Abhijat

For the Opposite Party/s : Mr. Shailendra Kumar -1

**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

5. 23-03-2018                      Heard Sri Amrit Abhijat, learned counsel for the  
petitioner and Sri Shailendra Kumar, learned Addl. Public  
Prosecutor.

The petitioner, who was Mukhiya from the month of June, 2011 to June, 2016 of Bichhway Gram Panchayat, has approached this Court under Section 438 of the Code of Criminal Procedure, 1973 for grant of bail in the event of his arrest or surrender in Sikandara P.S. Case No. 2 of 2017 registered for offence under Sections 406, 409, 467, 468, 471, 120(B) of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner in the capacity of Mukhiya had honestly discharged his duty and after his tenure of Mukhiya, subsequently in the month of October, 2016, maliciously an inquiry was conducted and on the



basis of said inquiry, it was alleged, as if, petitioner had misappropriated the government fund to the tune of Rupees twenty three lacs. It has been argued that in the capacity of Mukhiya, the petitioner was having jurisdiction to get the work for the amount up-to Rupees five lacs, but in the present case, to the reasons best known to the authority concerned, serious accusation was made against the petitioner.

In this case, earlier case diary was called for, which has been received and kept on record. On going through the case diary, Sri Shailendra Kumar, learned Addl. Public Prosecutor submits that in paragraph 31 and 32 of the case diary, there is specific accusation against the petitioner.

Besides hearing, I have also perused the material on record, particularly statement made in paragraph – 3 of the petition, which indicates that petitioner is having criminal antecedent and prior to lodging of the present case also, he was made accused in three cases, vide (i) Sikandra P.S. Case No. 15 of 2013, (ii) Sikandra P.S. Case No. 167 of 2015 and (iii) Sikandara P.S. Case No. 205 of 2016.

Normally, if a person is having criminal antecedent, in those cases, it would not be appropriate to entertain the prayer for anticipatory bail. Such privilege is to be granted to a person,



who is having clean antecedent and if there is reason to believe regarding false implication.

Since in the present case, there is specific accusation of misappropriation of public fund to the tune of Rupees twenty three lacs as well as the fact that he is having criminal antecedent, there is no reason to entertain the prayer for anticipatory bail.

Dismissed.

**(Rakesh Kumar, J.)**

anay

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

