

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1982 of 2018

Arising Out of PS.Case No. -172 Year- 2017 Thana -BELHAR District- BANKA

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1. Nuneshwar Rajak, son of late Rambriksha Rajak, resident of village-
Baghoriya, P.S.- Belhar, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 23-02-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Belhar P.S. Case No.172 of 2017** instituted for the offence under Section(s) 406, 409, 420 Indian Penal Code pending in the Court of the **Additional Chief Judicial Magistrate, III, Banka.**

It is alleged in the written report that this petitioner being *Mukhiya* of the *Panchayat* has misappropriated money for his personal gain instead of spending this money on the project for which money was withdrawn.

In terms of the direction of the Hon'ble Court in CWJC No.7071 of 2016, matter was enquired by the Block Development Officer and also by the District Panchayati Raj Officer on the direction of the District Magistrate. During



enquiry, it was found that for village *Baghoniya*, an amount of Rs.28,500/- was withdrawn under 4th Finance Commission by this petitioner through cheque, but Solar light was not fixed at the place. The villagers also complained that Solar Light has not been fixed anywhere in the village. It is also mentioned in the enquiry report that under Scheme No.3 of 2012-13, Rs.98,800/- has been paid to the petitioner for purchase of various articles, but those articles were not found in *Panchayat Bhawan* and those were found in the house of this petitioner.

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**.

Petitioner may surrender before the Court below and seek regular bail, which shall be considered and disposed off in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

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