

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33412 of 2018

Arising Out of PS.Case No. -5 Year- 2018 Thana -BHAPATIYAHIDistrict- SUPAUL

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Suresh Singh @ Suresh Prasad Singh, Son of Late Jagashwar Singh,
resident of Village- Katiya, Police Station Bhaptiyahi, District- Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Advocate.

For the Opposite Party/s : Mr. Khurshid Anwar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 01-08-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Bhaptiyahi**

P.S. Case No. 5 of 2018 instituted for the offence under Sections
406, 409 and 34 of the Indian Penal Code.

The allegation against the petitioner is that he being
the *Mukhiya* of the Panchayt was allotted fund under Project No.
16/2010-11 for construction of road and brick work. The
petitioner received an advance amount of Rs.2,90,000/- but they
neither completed the work nor deposited any Measurement Book.
Petitioner has also not made adjustment of the amount which he
has taken advance in the aforesaid Project. It is alleged that
petitioner along with other co-accused has taken total amount of
Rs.23 lacs and odd as advance and has neither done any work nor



released the amount in question. The petitioner has misappropriated the Government money.

Counsel for the petitioner has submitted that villagers have given letter before the Block Development Officer (Annexure-2) wherein it is stated that Project was completed but the same was washed away due to flood in the year 2016.

Learned A.P.P. has submitted that statement of Junior Engineer has been recorded in paragraph-29 of the case diary wherein it is stated that no work was completed by the petitioner after taking money. The Junior Engineer has specifically stated in his statement that petitioner has misappropriated money and has not completed work as appear from inspection of the spot.

Therefore, this Court is not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner stands rejected.

Petitioner may surrender before the court below and make prayer for regular bail.

(Sanjay Priya, J)

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