

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.79899 of 2018

Arising Out of PS. Case No.-153 Year-2017 Thana- MANJHAGARH District- Gopalganj

Subash Shukla @ Subhash Shukla, Panchayat Secretary, S/o Kailash Patti
Shukla, R/o village- Dharahara Mela, P.S.- Kateya, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Rai

For the Opposite Party/s : Mr. Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 16-01-2019 The petitioner seeks bail in anticipation of his

arrest in connection with Manjhagarh P.S. Case No. 153 of

2017, dated 22.08.2017, instituted for the offences under

Sections 420 and 409/34 of the Indian Penal Code.

The petitioner at the relevant time was the

Panchayat Secretary of Panchayat Raj Manjha (East). The

allegation in the F.I.R. is of withdrawal of Rs. 44,75,874/-

under various schemes of development but some of the



works were not completed and, therefore, the only presumption was that the government money has been defalcated.

The learned counsel for the petitioner has submitted that the *Mukhiya* is the President of the Lok Nirman Samiti at the Panchayat level and he is only authorized to appoint an agent for executing the works under various schemes. That apart, it has been submitted that the husband of the *Mukhiya*, in the present case, is an influential person who actually had his last say in the appointment of the agent for executing the work. So far as the petitioner is concerned, he had to remain a mute spectator as he, in his capacity as Panchayat Secretary, did not have any role to play in the matters of construction under various schemes.

It has also been brought to the notice of the Court that the *Mukhiya* of the concerned Panchayat has been granted anticipatory bail by the Court below but for a limited duration, *i.e.*, till the submission of the charge-sheet.

Considering the facts aforestated, the petitioner, above named, in the event of his arrest or surrender before



the learned Court below within a period of four weeks from the date of receipt/production of a copy of the present order, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Manjagarh P.S. Case No. 153 of 2017, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

Praveen-II/-

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