

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34359 of 2019**

Arising Out of PS. Case No.-153 Year-2018 Thana- SANOKHAR District- Bhagalpur

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JAGAT CHOUDHARY @ MUKHIYA SRI JAGAT CHOUDHARY @
JAGAT NARAYAN CHOUDHARY Son of Late Narshingh Choudhary
Resident of Village-Bora, P.S.-Amdanda, Gram Panchayat-Bora Pathakdih,
District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Anshuman

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 27-05-2019 Heard learned counsels for the petitioner and the State.

The petitioner, being the Panchayat Mukhiya is languishing in custody since 14.03.2019 in a case registered for the offences punishable under Sections 406, 408, 409, 420 and 120B of the IPC.

The prosecution case, as per the written report of B.D.O., Sanhaula, based upon the order dated 07.12.2017, passed by the Public Grievance Redressal Officer, Bhagalpur, is to the effect that the then Panchayat Mukhiya, Indrawati Devi and the present incumbent, the petitioner and Panchayat Secretaries, Anil Kumar Singh and Vinay Kumar Singh organized the meeting of the Gram Sabha and made proposal for certain work without following the norms and consequently, expenditure of



Rs. 1 lac excess to the estimate, was made was made without tender being published.

It is submitted by learned counsel for the petitioner that during enquiry, the B.D.O., has come to a definite finding the expenditure was made by the petitioner as per the estimate in Scheme Nos. 01 of 2016-17 and 02 of 2017-18. Moreover, similarly situated co-accused the then Panchayat Mukhiya and Panchayat Secretary have been granted privilege of anticipatory bail by different benches of this Court, vide order dated 14.03.2019, passed in 15894 of 2019 and vide order dated 02.04.2019, passed in Cr. Misc. No. 19250 of 2019, respectively. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR with specific accusation.

Considering the fact that the accusation is not being corroborated by the enquiry report and other similarly situated co-accused persons have been granted privilege of anticipatory bail by different benches of this Court, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above



named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Sanokhar (Amdanda) P.S. Case No. 153 of 2018.

(Dinesh Kumar Singh, J)

Amrendra/-

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