

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39157 of 2019**

Arising Out of PS. Case No.-4 Year-2019 Thana- CHANDRAMANDI District- Jamui

1. Sabita Devi, Female, aged about 66 years, Wife of Gokhul Das
2. Subodh Kumar, Male, aged about 32 years, Son of Thakur Das  
Both are resident of Village- Melani, P.S.- Chandramandih, District- Jamui.
3. Uttam Rai, Male, aged about 44 years, Son of Srikant Rai
4. Mukesh Kumar Rai @ Mukesh Rai, Male, aged about 46 years, Son of Vijay Rai  
3 & 4 both resident of Village- Ankhane, P.S.- Chandramandih, District- Jamui.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Satya Prakash Parasar, Advocate  
For the Opposite Party/s : Mr.Manoj Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

3      24-09-2019                      Heard learned counsel for the petitioners and  
learned Additional Public Prosecutor for the State.

The petitioners are seeking anticipatory bail in connection with Chandramandih P.S. Case No. 04 of 2019 registered under Sections 406, 409, 420/34 of the Indian Penal Code pending in the court of learned Judicial Magistrate - 1<sup>st</sup> Class, Jamui.

Learned counsel for the petitioners submits that these petitioners are the members of the Ward Execution and Management Committee. The allegation against them are that they had not executed the work of the construction of PCC



Road from the house of one Arjun Rai to Transformer in Ward No. 1 under Scheme No. 03/2017-18. There are similar allegations with respect to certain other works. It is alleged that they have misappropriated the public money by wrongly showing the work done, whereas in course of inspection not only the quality of the work was found bad and substandard, even at some places, it was found that the work was not as per estimate and the place shown therein.

Learned counsel for the petitioners submits that the Junior Engineer, under whose supervision the work was being conducted, has been granted privilege of anticipatory bail by learned coordinate Bench of this court in Cr. Misc. No. 39284/2019.

learned A.P.P. for the State has opposed the prayer for anticipatory bail, as according to him, these petitioners were responsible to execute the work and it is this construction committee headed by the Mukhiya who had withdrawn the money.

Considering the facts and circumstances of the case wherein it appears that these petitioners are members of the Work Execution and Management Committee headed by Mukhiya and they were entrusted with the work but had not



carried on the work as per the estimate and several irregularities have been found as also there are allegations of misappropriation of money, this court is not inclined to grant anticipatory bail to the petitioners.

Prayer for anticipatory bail of the petitioners is refused.

In case, they surrender and pray for regular bail within a period four weeks from today, their prayer for regular bail shall be considered on it's own merit. Since petitioner no. 1 is a lady, this court directs that in case she surrenders within the aforesaid period and prays for regular bail, her prayer for regular bail shall be considered on the same day on the basis of the materials available on the record without being prejudiced by the order of this court. The prayer for regular bail shall not be rejected in case of any of the petitioners only on the ground that this court had refused to grant privilege of anticipatory bail to them.

This application stands disposed off accordingly.

**(Rajeev Ranjan Prasad, J)**

Rajeev/-

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