

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42462 of 2019

Arising Out of PS. Case No.-11 Year-2019 Thana- SURYAPUR District- Rohtas

Mathura Prasad son of late Ram Buli Ram @ Ram Brit Ram, resident of village-Shivobahar, PS-Suryapura, District-Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramchandra Singh, Adv.

For the Opposite Party/s : Mr.Binod Kumar No. 3, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 11-07-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

In this case, the petitioner is seeking anticipatory bail in connection with Suryapura P.S. Case No. 11 of 2019 registered for offence punishable under sections 420, 406, 409/34 of the Indian Penal Code.

An F.I.R. has been lodged by the Block Development Officer alleging therein that Rs.12,50,000/- (twelve lakhs fifty thousand) was given to the Execution Committee under the Mukhyamantri Gramin Peyjal Nischay Yojana in which the petitioner was Secretary and Bachhani Devi was Ward Member as well as Chairman of Execution Committee. Allegation, as per F.I.R., is that the work was given to one Mulayam Singh Yadav, Contractor, but he has not



completed the work rather he has worked of only Rs.2,00,000/- (two lakhs). Bachchani Devi asked to get work done or to get return of money, but till date, neither the work has been done nor the money has been returned.

The petitioner is a Secretary of Execution Committee and under his supervision, the work was done.

The learned counsel for the petitioner has placed reliance on the letter no. 15 dated 03/01/2019 addressed to the Chairman and Secretary of the Ward Execution and Management Committee of Ward no. 7, stating therein that Mukhiya and Panchayat Secretary informed that the Agency has taken out the entire money, but he has done work of only Rs.2,00,000/-, directed to file a criminal case against the vendor. He has also placed reliance on the letter, which has been written by the present petitioner, but it is not in the name of Bachchani Devi, the letter was addressed by Bachchani Devi including the present petitioner stating therein that the work, which was allotted to Mulayam Singh Yadav, has not been completed, nor the money has been returned and it has further been said that Mulayam Singh Yadav has not submitted any voucher against the work done by him and requested to lodge a criminal case.



Looking to the entire facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner and accordingly his prayer for bail is rejected. However, if the petitioner surrenders, the court below without being prejudiced by this order, will take decision in accordance with law.

(Shivaji Pandey, J)

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