

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77806 of 2019

Arising Out of PS. Case No.-3 Year-2019 Thana- SHYAMPUR BHATHA District- Sheohar

1. LALWATI DEVI, W/o Pundeo Rai,
2. Raju Kumar, Son of Ramawadh Pandit,
Both Residents of Village - Nayagaon Pacchmi, P.S.- Shyampur Bhatahan,
Distt.- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Anisur Rahman

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-11-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case
registered for the offence punishable under Sections 120B/406
and 409 of the Indian Penal Code.

Prosecution case in brief is that one Akhileshwar
Prasad Singh, the Block Development Officer of Dumri Katsari
Block through his letter no. 873 dated 27.12.2018 gave a written
report to the SHO of Local Shyampur Bhatahan P.S. alleging
therein that in Ward No. 11 of Nayagaon Paschimi for
implementation of Scheme of Gram Peya Jal (Har Ghar Nal Ka
Jal) under Mukhya Mantri Sat Nischaya Yojna, Mukhiya of the



said, Gram Panchayat transferred Rs.14,03,283/- to the implementation and management committee of Ward No. 11 of the said Gram Panchayat through different cheques mentioned in the said written report but no work has been done on the spot and further alleged that the accused persons have withdrawn the amount under a conspiracy with an intention of defalcation.

Learned counsel for the petitioners further submits that the Junior Engineer has examined and verified the work done by the petitioners Committee and Measurement Book (M.B) has been passed on 22.05.2019 for the work done for Rs.9,72,619/- and the rest amount of Rs.3,12,386/- has been deposited in the A/C No. 51530100004909 of the ward no. 11 the Panchayat in Bank of Baroda Jahangirpur Branch. The petitioners have enclosed the M.B. and Bank Account are at Annexure-2 of the bail petition.

Learned counsel for the petitioners further submits that the petitioners have no criminal antecedent. The petitioner no.1 is President and the Petitioner no. 2 is Secretary of the Implementation and Management Committee of the Nayagaon Pachhmi Gram Panchayat, Block Dumri Katsari, District-Sheohar. The petitioners have not defalcated even a single paisa of the scheme and the allegation is false.



In the aforesaid facts and circumstances of the case, I am inclined to grant anticipatory bail to the above named petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Sheohar, in connection with Shyampur Bhatahan P.S. Case No. 03 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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