

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr. Misc. No. 20347 of 2020

1. Bindu Devi, wife of Sunil Kumar Singh, Ward Member at Balbhadra @ Gauspur.
 2. Mukesh Paswan, son of Dinesh Paswan, Secteraty of Bishunpur Panchayat, Balbhadra @ Gauspur
 Both resident of Village-Ahlai, P.S.-Rajapakar, Dist.-Vaishali.
 Petitioners

Versus

The State of Bihar

.. ... Opposite Party

Appearance :

For the Petitioners : Mr. Anil Kumar, Advocate
 For the Respondent State: Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 21-07-2020 Heard Mr. Anil Kumar, learned counsel appearing on behalf of the petitioners and Mr. Rajiv Nayan, learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of anticipatory bail arises out of Rajapakar P.S. Case No. 232 of 2019, registered for the offence punishable under Sections 420 and 409 of the Indian Penal Code.

There is allegation of misappropriation of public money against the petitioners, which they were supposed to utilize for execution of work under *Jal-Nal* scheme of the Government. It is alleged in the First Information Report that a sum of Rs.10 lac was transferred in the account of the petitioner



No.1 for execution of work. Allegedly, petitioner No.2, in connivance with petitioner No.1, who was the ward member of the concerned ward, misappropriated considerable amount either by not completing the work or by using substandard materials.

Learned counsel appearing on behalf of the petitioners has submitted that the First Information Report has been registered on the basis of unverified allegation made by the Mukhiya of the Gram Panchayat in his letter addressed to the Block Development Officer. He has submitted that the petitioners have, in fact, used the amount in accordance with the requirement of the scheme.

I am not inclined to grant the petitioners privilege of anticipatory bail for the reason that there is allegation of misappropriation of huge amount of public money that too at the level of ward of a Gram Panchayat. The chance of the petitioners tampering with the evidence and influencing the witnesses cannot be ruled out in the facts and circumstances of the case.

This application is accordingly dismissed.

The petitioners are directed to surrender before the Court below within a period of eight weeks from today and seek regular bail, if so advised. If they do so, their application for



regular bail shall be considered by the learned Court below on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

It is indicated that defect, if any, shall be removed within two months.

Since there is a lock down, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social



distancing.

(Chakradhari Sharan Singh, J)

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