

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24310 of 2020

Arising Out of PS. Case No.-210 Year-2019 Thana- SARMERA District- Nalanda

SHRIMATI MOHPATI DEVI @ MAHAPATI DEVI W/o Arun Ram @ Arun Kumar Ward Member of Ward No. 12, Resident of Village- Sadaha, P.S.- Sarmera, District- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Opposite Party/s : Md. Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 10-12-2020 Heard Mr. Pankaj Kumar, learned counsel for the petitioner and Md. Sufyan, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner apprehends arrest in connection with Sarmera P.S. Case No. 210 of 2019 registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code, 1860.

The allegation as per the First Information Report lodged by the Panchayat Secretary of *Gram Panchayat Husaina* is that a sum of Rs.12,00,000/- was given to the petitioner, who is a ward member, for execution of work under *Nal, Jal and Nali Gali Scheme* in Ward No. 12 of *Husaina Gram Panchayat* and when enquiry was conducted by the Joint Enquiry



Committee, it was found that the work has not been performed by the petitioner and the Government money has been misappropriated and defalcated by the petitioner.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case with oblique motive. Learned counsel further submits that under *Nali Gali Scheme*, the petitioner has already completed the work and invested Rs.6,80,777/- as would be evident from Measurement Book which has been annexed as Annexure-3 to the bail application. Learned counsel also submits that under the *Nal Jal Scheme*, the petitioner has also invested a sum of Rs.5,94,000/- out of Rs.6,00,000/-. Learned counsel next submits that the alleged enquiry report of the Joint Committee has not been brought on record during course of investigation and has also not been made as part of the First Information Report.

On the other hand, learned counsel for the State referring to paragraph-9 of the case diary submits that under the *Nal Jal Scheme*, submersible pump was required to be installed by the petitioner from the advance amount, but upon enquiry, it was found that no such submersible pump was installed at the required place. Learned counsel referring to paragraph-12 of the



case diary further submits that a Joint Enquiry Committee was constituted to enquire into the work executed by the petitioner and Committee in its report has informed that no work has been executed by the petitioner under the aforesaid two schemes.

Having heard learned counsel for the parties and taking into consideration the materials on record collected during course of investigation, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

(Anil Kumar Sinha, J)

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