

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73096 of 2019

Arising Out of PS. Case No.-545 Year-2018 Thana- BRAHMPUR District- Buxar

GEETA DEVI W/o Gopal Prasad R/o village- Rahathua, P.O.- Pahathu, P.S.-
Brahmpur, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Choubey, Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 06-03-2020 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner, being the Secretary of Ward Implementation and Management Committee constituted for Chief Minister Gramin Payjal Nischay Yojna, is apprehending arrest in a case registered for the offences punishable under Sections 406 and 409 of the Indian Penal Code.

The prosecution case as per the written report of Panchayat Secretary, Gram Panchayat, Block-Brahmpur submitted to the S.H.O., Brahmpur is to the effect that under the Chief Minister Gramin Payjal Nischay Yojna, Rs.14,40,792/- was sanctioned and the petitioner withdrew Rs.8,00,000/- from the fund, but he did not complete the work.

It is submitted by learned counsel for the petitioner that the



petitioner withdrew Rs. 8,00,000/-, but in the FIR, the accusation has been made to have withdrawn amount of Rs.14,40,792/- and in fact, the petitioner has completed the work. A certificate to the effect dated 07.12.2019 issued by the B.D.O., Brahmpur has been brought on record by way of supplementary affidavit, filed on behalf of the petitioner in pursuance to the order dated 19.11.2019 passed by a Co-ordinate Bench of this Court. Considering the same, similarly situated co-accused, Shiv Jee Singh, being the Secretary of Ward Implementation and Management committee has been granted anticipatory bail by a Co-ordinate bench of this Court, vide order dated 11.12.2019, passed in Criminal Miscellaneous No. 69922 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the accusation is specific against the petitioner.

Considering the certificate issued by the BDO, Brahmpur suggesting completion of work, similarly situated co-accused has been granted anticipatory bail by a Co-ordinate bench of this Court and coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent,



let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Buxar, in connection with Brahmpur P.S. Case No.545 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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