

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80953 of 2019

Arising Out of PS. Case No.-223 Year-2019 Thana- SHAMBHUGANJ District- Banka

Hiralal Paswan, (Male), aged about 36 years, Son of Sri Kumri Paswan @ Raj Kumar Paswan Resident of Mirjapur, P.S.- Shambhuganj, Distt - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr. Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

6 15-12-2020 Heard Mr. Y.C. Verma, learned senior counsel

appearing on behalf of the petitioner and learned counsel for the

State.

In this case, the petitioner is apprehending his arrest in connection with Shambhuganj P.S. Case No. 223 of 2019 (G.R. No. 2647 of 2019) registered for offences under sections 406, 409, 420, 467, 468/34 of the Indian Penal Code.

As per prosecution case, the petitioner is the Mukhia of Mirjapur Gram Panchayat wherein Sri Kant Prasad Sinha was the Panchayat Secretary. In terms of the direction of the Chief Minister of Bihar, Seven Nischay Programme was to be implemented and one of the programme was to give water from tap to the aggrieved person of the village. In that connection, Rs. 10 lac was allocated but, the work has been



done of Rs. 4 lac and odd only and Rs. 6 lac has been defalcated. The cheque was issued by the present Mukhia in connection with the work done.

Learned counsel for the petitioner submits that the petitioner is not the person to execute the work rather the execution of work was to be done by the Engineer and the Sarpanch of the ward and neither he was authorized nor he was to supervise the work. He further submits that the case, which has been alleged, is not made out against the petitioner and has wrongly been implicated in the present case. Learned counsel for the petitioner further submits that the rest work has been done but, the records does not support the same.

Admittedly, the money was transferred to the account and the work has been done of Rs. 4 lac and odd only and this is the government money which has been misappropriated.

Looking to the entire facts and circumstances of the case, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner, above named, is rejected.

If the petitioner surrenders before the court below



within a period of three weeks from today and makes a prayer
for bail, the court below, without being prejudiced by this order,
will pass orders in accordance with law.

(Shivaji Pandey, J)

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