

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80675 of 2019

Arising Out of PS. Case No.-32 Year-2019 Thana- SASARAM MUFFSIL District- Rohtas

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BECHU SINGH Son of Siya Ram Singh Resident of Village- Balathua, P.S.-
Sasaram (Muffasil), District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ras Bihari Thakur, Adv.

For the Opposite Party/s : Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 30-06-2020 Heard learned counsel for the petitioner as well as

learned APP through video conferencing.

For execution of '*Nal Jal Yojna*' in the ward of informant, being Ward Member, informant had issued two cheques in favour of one Satish Kumar bearing Rs. 1,65,744/- as well as 6,30,000/- but, save and except sinking a boring as well as connecting 4-5 houses, nothing has been done by the aforesaid Satish Kumar, whereupon this case has been instituted at the instance of informant, a Ward Member.

Petitioner is not named in the written report. It is further evident from the case diary that para-5, 6, and 7 did not mention anything adverse to the petitioner. Para-21, copy of supervision note, whereunder, S.P. has identified the petitioner (Mukhiyapati) along with Gram Sewak, Ram Narayan Sah to be



actively involved in bringing Satish Kumar and they all managed to procure relevant amount through cheque and so, directed the I.O. to proceed against them. Para-53, subsequent supervision note of the S.P. which reiterates the earlier direction. Moreover, it is evident from the case diary that I.O. has not made the petitioner to be an accused of this case nor warrant of arrest non bailable has been procured against the petitioner.

After going through the order impugned, it is evident that learned lower court has completely ignored to identify status of the petitioner.

Needless to say, that Hon'ble Apex Court consistently has observed that blanket order could not be passed. Accordingly, this petition is found premature and so, non maintainable.

However, petitioner will be at liberty to reagitate his prayer in case either he is made an accused or warrant of arrest non bailable is procured against him.

(Aditya Kumar Trivedi, J)

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