

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85282 of 2019

Arising Out of PS. Case No.-15 Year-2019 Thana- MANIGACHI District- Darbhanga

1. USHA DEVI Wife of Anil Paswan
 2. Surya Narayan Paswan Son of Ramkhelawan Paswan
Both Resident of Village - Kathra, P.S.- Manigachi, Distt. - Darbhanga.
- Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kali Prasan Dubey, Adv.
Mr. Kedar Jha, Adv.
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 29-09-2020 Heard Mr. Kali Prasan Dubey, learned counsel for the petitioners duly assisted by Mr. Kedar Jha, learned counsel and Mr. Arun Kumar Singh, learned Additional P.P. through Video Conferencing.

The petitioners apprehend their arrest in Manigachi P.S. Case No.15 of 2019 registered under Sections 406, 409, 420 and 34 of the Indian Penal Code.

The informant, Panchayat Secretary, Gram Panchayat, Kathra alleged that Surya Narayan Paswan, the Chairman and Usha Devi, the Secretary were entrusted to complete drinking water scheme in Panchayat. The estimated cost of the scheme is Rs.12,69,000/-. It is alleged that both misappropriated the Government money by using sub-standard materials and changing the scheme and place for installing water tank.



The learned counsel for the petitioners submits that petitioners are the Honorary Secretary and the Chairman respectively of the Committee. They are illiterate and belonged to Mahadalit community. The selection of place for boring was decided by the people of the ward in general meeting and Block Development Officer accorded approval. Since there was no place for digging tubewell, the boring was installed at some another place with the consent of the land owner. It is further submitted that the petitioners have completed the entire work. Work was duly measured and entered in the measurement book. It is further submitted that only Rs.10,11,670/- was spent on the completion of the scheme and the remaining amount is lying in the Bank account. The petitioners completed the work with the approval of the authority but Mukhiya with ulterior motive got the case lodged only because he did not get commission. It is further submitted that subsequently inquiry was held and it is found that the petitioners have done the work successfully, therefore, the petitioners deserve anticipatory bail.

Learned A.P.P. opposed the prayer for bail.

It appears that petitioners being the Secretary and Chairman of the Executive Committee were entrusted for completion of drinking water scheme to each and every house of



the Panchayat for which Rs.12,69,000/- was allotted. Several letters were sent to the petitioners for completion of the work but when the work was not completed, the Collector and the Block Development Officer, Tardih directed the informant to lodge the case. An inquiry was held by the Sub Divisional Magistrate, Darbhanga and vide its report dated 24.07.2019, it was found that chamber of boring was defective. The diameter and quality of pipes were not found upto the sanctioned level. Sluice valve were not found constructed properly. The boring was done in a new place without taking approval from the appropriate authority and it was found that the petitioners used sub-standard materials such as pipes and other materials for completion of the scheme and thereby the petitioners have misappropriated huge amount.

Taking into consideration the facts aforesaid and nature of allegation made against the petitioners, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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