

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.86525 of 2019**

Arising Out of PS. Case No.-34 Year-2019 Thana- SASARAM MUFFSIL District- Rohtas

1. Deventi Devi, Wife of Bechu Singh, Resident of Village - Balathua, P.S.- Sasaram (Muffasil), Distt - Rohtas at Sasaram.
2. Ram Narayan Sah, Son of Late Tulsi Sah, Resident of Village - Kusahi, P.S.- Dinara, Distt - Rohtas at Sasaram.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 86950 of 2019

Arising Out of PS. Case No.-34 Year-2019 Thana- SASARAM MUFFSIL District- Rohtas

Bechu Singh, Son of Siya Ram Singh, Resident of Village - Balathua, P.S.- Sasaram (Muffasil), Distt - Rohtas at Sasaram.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 86525 of 2019)

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

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

(In CRIMINAL MISCELLANEOUS No. 86950 of 2019)

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

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 07-09-2020 Heard learned counsel for the petitioners in both criminal miscellaneous applications.

In Cr. Misc. No. 86525 of 2019 petitioner no. 1 is the Mukhiya whereas petitioner no. 2 is the Panchayat Secretary of the Gram Panchayat Beladhi in the district of Rohtas. In Cr.



Misc. No. 86950 of 2019 the petitioner is the husband of Mukhiya.

In both the applications, the petitioners are seeking pre-arrest bail in connection with Sasaram (Muffasil) P. S. Case No. 34 of 2019 registered for the offences punishable under Section 406 of the Indian Penal Code.

Learned counsel for the petitioners submits that from the First Information Report lodged by the Ward Member of Ward No. 5 it would appear that for purpose of carrying some work under the Saat Nischay Yojana of the government the cheque of Rs. 1,65,744/- and a cheque for Rs. 6,30,000/- were given to one Satish Kumar, proprietor of Roushani Enterprises Madarsa Road, Sasaram. The said agency did not complete the work and the efforts to search the proprietor of the agency did not materialise.

It is submitted that these petitioners are not named in the First Information Report, however, in course of investigation they have been brought within the purview of this case and they are apprehending their arrest.

Learned counsel further submits that in similar circumstance the petitioners of Cr. Misc. No. 86525 of 2019 have been granted privilege of anticipatory bail by a learned co-



ordinate Bench of this Court in Cr. Misc. No. 83802 of 2019.

On the other hand, Mr. Parmeshwar Mehta, learned A.P.P. for the State has opposed the prayer for anticipatory bail of these petitioners. It is submitted that under the Saat Nischay Yojana although the monitoring and implementation committee is there to implement the scheme but ultimately the expenditure is to be approved by the executive committee of Gram Panchayat headed by Mukhiya based on the utility certificate and inspection of the Mukhiya. In the present case, in course of investigation, it has been revealed that the husband of the Mukhiya was in fact in the leading role and at his instance the said Satish Kumar was given the work and then the cheques were issued.

It is further pointed out that the investigating authorities have noticed that in course of investigation witnesses have stated that the name of said Satish Kumar was incorporated in a blank register for the purpose of said work and cheques were issued to him at the instance of the husband of petitioner no. 1 in the Cr. Misc. No. 86525 of 2019.

It is further pointed out that in paragraph '6', '7', '25', '32' and '33' of the case diary witnesses have supported the allegations against these petitioners. It is further submitted that



the grant of anticipatory bail in one of the cases on the considerations which were pointed out to the learned co-ordinate Bench in the said case would not be a relevant ground to grant anticipatory bail in the present case in view of the materials coming in this case.

Having regard to the facts and circumstances of the case, on noticing the kind of allegations made against these petitioners in the case diary and the fact that it involves misappropriation of public money, I am not inclined to grant anticipatory bail to the petitioners.

Both the applications are dismissed.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

