

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38648 of 2020

Arising Out of PS. Case No.-32 Year-2020 Thana- JOGAPATTI District- West Champaran

Prahalad Mahato, aged about 45 years, male, S/o Late Jagarnath Prasad,
Resident of village - Mahabirpur, P.S. - Yogapatti, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 29-06-2021 Heard Mr. Sanjeev Kumar, the learned

Advocate for the petitioner and Mr. Mukeshwar Dayal,

the learned APP for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Yogapatti P.S. Case No. 32 of

2020, instituted for the offences under Sections 406

and 420/34 of the Indian Penal Code.

It has been alleged in the First Information

Report that there has been four irregularities in the

implementation of the Chief Minister Rural Drinking



Water Scheme in Ward No. 10 of Gram Panchayat -
Pipra Naurangiya.

It has been submitted that the petitioner is the Mukhiya of the Panchayat and his responsibility ended by transmitting the fund in that account to the WIMC (Ward Implementation and Management Committee), the body which is responsible for execution of the work under the aforesaid scheme. It has further been submitted that the Ward Member, namely, Arvind Jha had entered into an agreement with the supplier and the work also proceeded but if there was any deficiency in the work, the petitioner cannot be held to responsible for the same.

Assuming but not admitting the fact that some of the works under the scheme have been found to be faulty or incomplete, that would not make out a case under Section 406 or 420 of the I.P.C., even with the aid of Section 34.

The learned counsel for the petitioner has also drawn the attention of this Court to the



assessment report, which indicates that some of the works still remain unfinished but as noted in the preceding sentences, that by itself would not make the petitioner liable for the offences for which he is sought to be prosecuted in this case.

Regard being had to the facts afore-stated, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Yogapatti P.S. Case No. 32 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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