

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31809 of 2020

Arising Out of PS. Case No.-94 Year-2019 Thana- KHIRI MORE District- Patna

Surendra Bhagat, son of Naman Bhagat, aged about 42 years, Male, resident of village - Basant Bigha, P.S. - Khirimore, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoranjan Kumar, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 20-02-2021

Heard Mr. Manoranjan Kumar, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned In-charge Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

2. The petitioner apprehends arrest in connection with Khirimore PS Case No.94 of 2019 dated 27.11.2019, instituted under Sections 406, 420 of the Indian Penal Code.

3. The petitioner is accused of having not given the allowances for the period 01.06.2011 to 31.10.2015 to the wife of the complainant. The petitioner at the relevant time was the Sarpanch and the FIR has been lodged by the Block Development Officer, Paliganj.

4. Learned counsel for the petitioner submitted that



the so called non-payment is for a long period when the wife of the original complainant herself was Up-Sarpanch and the payments were made by the joint signature of both the Sarpanch and Up-Sarpanch i.e., the petitioner and the wife of the complainant. Learned counsel submitted that for such a long period no grievance being raised itself shows falsity of the allegation. It was submitted that the petitioner has no other criminal antecedent. It was also submitted that the wife of the complainant, who claimed that money was not paid to her, had to face No Confidence Motion during her tenure due to which also he has strong motive to falsely implicate the petitioner.

5. Learned APP submitted that the allegation is that somebody else had received the money and not the original beneficiary, which has, now, been proved by the Forensic Expert as the report shows that the thumb impression on the document shows that the person, who has received the money, was not the wife of the complainant to whom it was to be paid.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

7. Accordingly, the application stands dismissed.

8. However, if the petitioner appears before the Court



below and prays for bail within four weeks from today, the same shall be considered, on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

J. Alam/-

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