

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43521 of 2021

Arising Out of PS. Case No.-54 Year-2021 Thana- BAHERI District- Darbhanga

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Shashi Kumar Singh, male, aged about 42 years, Son of Sushil Kumar Singh,
Resident of Village - Korigama, P.S. - Baheri, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv.
For the Informant	:	Mr. Shambhu Nath Jha, Adv.
For the State	:	Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

8 25-10-2021 Heard Mr. Krishna Prasad Singh, the learned

Senior Advocate for the petitioner and Mr. Shambhu Nath

Jha, the learned counsel for the informant. The State is

represented by the learned APP.

The matter was heard in priority on the submission

on behalf of the petitioner that he had to file nomination

papers. That information was ultimately found to be

incorrect as the constituency from where the petitioner



would have contested is a reserved constituency for women and the last date for filing the nomination was also incorrectly stated.

Be that as it may, since the application before the Hon'ble Supreme Court was withdrawn on the ground that the application for anticipatory bail was pending before this Court, this Court proceeds to hear this application.

The petitioner seeks bail in anticipation of his arrest in connection with Baheri P.S. Case No. 54 of 2019, dated 08.03.2021, instituted for the offences under Sections 409, 420 and 34 of the Indian Penal Code.

The accusation in the F.I.R. is that the money which was due to one of the beneficiaries, namely, Nunu Mukhiya under the *Pradhan Mantri Awas Yojna* was maliciously and fraudulently credited in the bank account of the petitioner. For this, forgery had been committed. Apart from such money being transmitted in the bank account of the petitioner, the same was also credited in the bank accounts of his father and nephew respectively.

Mr. Shambhu Nath Jha, the learned counsel for the



informant has pointed out that there has been a fraudulent credit of government money in the accounts of eleven persons about which a complaint had been made by the informant before the Collector of the district.

Mr. Krishna Prasad Singh, the learned Senior Advocate for the petitioner has submitted that the moment the petitioner came to learn about such wrong crediting of government money in his bank account, he promptly returned the same and, therefore, there has not been any loss to the government exchequer. Apart from this, it has been submitted that the amount in question which has now been returned is very meagre and that the petitioner is being targeted because he is the husband of the present *Mukhiya* with whom the other *panchayat* functionaries are at loggerheads.

As opposed to the aforesaid contention, Mr. Jha, the learned Advocate has submitted that there was another wrong statement in the bail application with respect to the number of cases lodged against him earlier. It was wrongly declared by the petitioner that he has no other case to his



credit, but only on the pointing out by the informant that he has been made accused in three other cases earlier, a supplementary affidavit was filed referring such three cases.

One such case is a complaint case.

It has further been submitted that it is strange coincidence that not only government money was credited wrongly and fraudulently in the bank account of the petitioner but also in the bank accounts of his father and nephew. This could not have been an inadvertent mistake. Lastly, it has been submitted that the five other accused persons of this case have been arrested and, therefore, the petitioner would be well advised to surrender before the Court below and take bail.

In response to the aforesaid argument, it has been urged that merely because he is the husband of the present *Mukhiya*, that he is being prosecuted in this case.

Regard being had to the entire set of facts, I am not inclined to grant anticipatory bail to the petitioner, especially for the reason that some of the similarly situated accused persons have been arrested and there is no reason



why a different treatment be given to the petitioner.

The prayer for grant of anticipatory bail to the petitioner is, hereby, rejected.

However, if he surrenders before the Court below and seeks bail, the Court below, after considering the fact that the amount so credited in the bank account of the petitioner has been promptly returned by him and that there could be a possibility of his false implication because of his being the husband of the local *Mukhiya* and the other *panchayat* functionaries not being very charitable to her, shall pass orders in accordance with law without being prejudiced by the fact that the present anticipatory bail application on his behalf has not been entertained by this Court.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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