

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35600 of 2020

Arising Out of PS. Case No.-61 Year-2019 Thana- SASARAM NAGAR District- Rohtas

1. Devanti Devi, Wife of Bechu Singh, R/o Village- Balathua, P.S.- Sasaram Muffasil, District- Rohtas
2. Ram Narayan Sah, Son of Late Tulsi Sah R/o village- Kushahi, P.S. Dinara, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Satyadeo Singh Yadav, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 22-10-2021 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard Shri Arvind Kumar Singh, learned counsel for the petitioners and Shri Satyadeo Singh Yadav, learned A.P.P. for the State.

The petitioners are seeking anticipatory bail in connection with Sasaram (T) (Darigaon) P.S. Case No. 61 of 2019 dated 24.01.2019 instituted for the offences under Sections 406 and 420 of the Indian Penal Code.

Learned counsel for the petitioners, at the outset,



submits that the petitioners are persons with clean antecedent. Petitioner no. 1 is the Mukhiya of Gram Panchayat Beladhi and the petitioner no. 2 is the Gram Sevak of the said Gram Panchayat. Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that an amount of Rs. 7,95,744/- meant for Nal Jal Yojana is said to have been misappropriate in the present case. Further, it is submitted that the informant (Samsa Praveen) who is the elected Ward Member of Ward No. 9 of Gram Panchayat Beladhi, District - Rohtas alleges that a contract was given to one Satish Kumar for installing the pipe of Nal Jal Scheme in each and every house of Ward No. 9 of the Panchayat and for that two cheques for amount of Rs. 1,65,744/- and Rs. 6,30,000/- respectively, total amounting to Rs. 7,95,744/- was given to him and the same was also withdrawn from the account of the informant by the said Satish Kumar against the contract which was awarded to him but the work was not completed by him rather only ten percent of the work was completed.

Learned counsel for the petitioner submits that the petitioners are not named in the F.I.R. They have been implicated in the present case merely because petitioner no. 1 is the Mukhiya and petitioner no. 2 is the Gram Sevak.



Learned A.P.P. for the State submitted that one Bechu Singh who is the husband of the petitioner no. 1 was also not a named accused in the present case and his name transpired during the course of investigation and he has been granted bail by this Court in Cr. Misc. No. 34226 of 2020 vide order dated 09.03.2021 on the ground that he will deposit an amount of Rs. 2,00,000/- in the Court below within a period of two months which shall be subject to the final outcome of the case.

On query of the Court from the learned counsel for the petitioners that as to how the case of the present petitioners are different from the case of Bechu Singh, the learned counsel for the petitioners submitted that the amount, if any, was given to Satish Kumar who siphoned off the fund alleged to be in connivance with these two petitioners along with Bechu Singh, the learned counsel for the petitioners was not able to differentiate the case of Bechu Singh with petitioner no. 1 but with respect to petitioner no. 2 it was submitted that he is a lower rung official being Gram Sevak of the Panchayat.

Learned A.P.P. for the State submitted that if the petitioner no. 1 is willing to deposit an amount equal to that of Bechu Singh then on basis of parity the bail of petitioner no. 1 can be considered. As far as petitioner no. 2 is concerned,



learned A.P.P. fairly submits that he is a lower rung official of the panchayat. The learned counsel for the petitioners submits that he is not averse to what has been submitted by the learned A.P.P. but as far as petitioner no. 2 is concerned, since he is a lower rung official, the amount to be deposited by him be considered appropriately.

Considering the aforesaid facts and circumstances of the case in its totality, the petitioner no. 1 is permitted to deposit an amount of Rs. 2,00,000/- in the Court below within a period of two months from today which shall be subject to the final outcome of the case, similarly the petitioner no. 2 is permitted to deposit an amount of Rs. 1,00,000/- in the Court below within a period of two months from today which shall be subject to final outcome of the case. Let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of ten weeks, be released on anticipatory bail provisionally on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas (Sasaram) in connection with Sasaram (T) (Darigaon) P.S. Case No. 61 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



It is made clear that if the petitioners deposit the total amount as aforesaid in the Court below within the stipulated period of two months as permitted, the Court below shall confirm the provisional anticipatory bail granted to the petitioners. In case the petitioners fail to deposit the amount in question, the Court below shall be at liberty to cancel the bail bond of the petitioners.

(Satyavrat Verma, J)

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