

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34667 of 2020

Arising Out of PS. Case No.-343 Year-2020 Thana- NAUBATPUR District- Patna

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RITU KUMARI, Gender-Female, aged about 33years, Wife of Jitendra Kumar, Resident of Village- Ajwan, P.S.- Naubatpur, District – Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Parashuram Singh, Advocate.

For the Opposite Party : Mr. Choubey Jawahar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-02-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner was granted provisional bail on 22.01.2021 in a case for the offence registered under Sections 406 and 420 of the I.P.C.

The prosecution story, in brief, is that an amount of Rs. 62,62,583.00 has been transferred in the concerned Account managed by the petitioner being the Mukhiya of Ajwan



Panchayat under the Scheme of 'Chief Minister Seven Commitment Programme'. Out of which, Rs. 16,42,900/-has been transferred in the fund of 'Chief Minister Gramin Pay Jal Nischay Yojana' and Rs. 46,19,683/-has been transferred in the scheme of 'Chief Minister Gramin Pakkikaran Nali Gali Nischay Yojna' which is exceeded the limit as fixed and in contravention of Letter No. 269 dated 17.01.2017, issued and communicated by Panchayat Raj Department, Government of Bihar, and according to that letter, maximum Rs. 13,00,000/- can be expended under the scheme of 'Chief Minister Gramin Pakkikaran Nali Gali Nischay Yojana'. Therefore, the petitioner has misappropriated the aforesaid amount violating the terms and conditions of the aforesaid letter.

It has been submitted by learned counsel for the petitioner that the petitioner was in custody since 29.08.2020 and she was granted provisional bail on 22.01.2021. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner happens to be the Mukhiya of Ajwan Panchayat and she was to carry out the work under the different schemes for an



amount of Rs. 13,00,000/-. Instead of said amount, Rs. 46.19 Lacs was transferred for carrying out the several schemes in the concerned Panchayat. A statement was made by the petitioner in paragraph no. 14 of the supplementary affidavit stating therein that all the works have been completed by the petitioner. The following statements have been made in paragraph no. 14 of the supplementary affidavit.

“14. That the petitioner has very honestly completed the scheme work through the amount having correct bill which will be clear from Measurement Book bearing Plan No. 08/19-20, work amount-Rs. 43,200, work done of Rs. 21,416, Plan No. 19/19-20, work amount-Rs. 61,200/-, work done of Rs. 61,156/-, Plan No. 18/19-20, work amount- Rs. 96,700, work done of Rs. 96,103/-, Plan No. 17/19-20, work amount-Rs. 1,46,400/-, work done of Rs. 1,45,857/-, work amount-Rs.1,51,700/-, work done of Rs. 1,51,121/-, Plan No. 15/19-20, work done of Rs. 1,14,079/- Plan No. 14/19-20, work done of Rs. 2,48, 623/-, Plan No. 12/19-20, work amount-Rs. 3,00,300/-, work done of Rs. 2,99,797/-, Plan No. 10/19-20, work amount- Rs. 4,82,900/-, work done of Rs. 4,82,380/-, Plan No. 09/19-20, work amount Rs. 4,33,800/- work done of Rs. 4,33,261/-, Plan No. 07/19-20, work amount-89,100/-, work done of Rs. 88,520/-, Plan No. 06/19-20, work amount Rs. 1,52,600/-, work done of Rs. 1,52,062/-, Plan No. 05/19-20, work amount 3,94,100/-, work done of Rs, 3,93,584/-, Plan No. 04/19-20, work amount 94,800/-, work done of Rs. 94,263/-, Plan No. 03/19-20, work amount Rs. 51,200/-, work done of Rs. 50,636/-, Plan No. 02/19-20, work amount



Rs. 67,400/-, Ward No. 7, work amount Rs. 16,00,429/-, work done of Rs. 16,40,100/-, Plan No. 01/19-20, work amount of Rs. 5,57,200/- work done of Rs. 5,56,635/-, Plan No. 02/18-19, work amount Rs. 5,27,900/-, work done of Rs. 5,27,368/- and therefore, the petitioner has not misappropriated any amount.”

Vide order dated 22.01.2021, the petitioner was granted provisional bail and Mr. Choubey Jawahar, learned counsel for the State, was directed to file an affidavit on behalf of the District Magistrate, Patna, for verification of the statement made in paragraph no. 14 of the supplementary affidavit. In pursuance of the said order, a show cause/verification report has been filed on behalf of the District Magistrate, Patna. From perusal of the said show cause/verification report, it is apparent that the statements made in paragraph no. 14 of the supplementary affidavit filed by the petitioner is apparently incorrect. The petitioner, being the Mukhiya, has misappropriated the public money.

The following statements have been made in paragraph nos. 6, 7, 8 and 9 of the said show cause/verification report filed on behalf of the District Magistrate, Patna.

“6. That the petitioner has filed the present case before this Hon’ble Court for grant of regular bail wherein petitioner has stated that petitioner has very honestly completed the scheme of the drawn amount and



therefore the petitioner has not misappropriated any government funds and in this regard petitioner made an averment in paragraph no. 14 of his petition.

7. That in pursuance of order dated 22.01.2021 passed by this Hon'ble Court, the matter was examined by Technical Assistant, Naubatpur, as per direction of Block Development Officer, Naubatpur and during course of physical verification, he found that out of 18 schemes only 14 schemes have been completed and rest 4 are incomplete hence the assertion made by the petitioner in para-14 is not correct and petitioner has misappropriated government funds and in this regard, Technical Assistant has submitted his report dated 09.02.2021 to B.D.O. Naubatpur (Deponent).

8. That altogether 18 plans have been verified, out of that in 4 plans i.e., Plan No. 17/19-20, 16/19-20, 09/19-20 and 05/19-20 is not found according to the statement made in para 14 of the supplementary affidavit by the petitioner in the aforesaid case.

9. That the all account of Mapi Pushtak is of Rs. 39,83,716/- (Rupees Thirty Nine Lacs Eighty Three Thousand Seven Hundred and Sixteen Only) and actual amount of real work is Rs. 36,28,669.00 (Rupees Thirty Six Lacs Twenty Eight Thousand Six Hundred Sixty Nine Only) hence, at the spot, Rs. 3,55,047/- (Rupees Three Lacs Fifty Five Thousand Forty Seven Only) has not been found at the spot".

Considering the aforesaid facts and circumstances of the case, the provisional bail granted to the petitioner vide order dated 22.01.2021, is hereby cancelled and this bail application is



rejected at this stage.

Learned court below is directed to take all necessary
steps to conclude the trial at the earliest.

(Sudhir Singh, J)

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