

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35934 of 2020

Arising Out of PS. Case No.-31 Year-2020 Thana- CHOUTARWA District- West Champaran

Rajeev Kumar @ Rajeev Kumar Yadav son of Ramayan Prasad, Village-
Mehadi, P.S.- Chautarava, District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr./Ms.Mitali

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 23-06-2021 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Chautarava
P.S. Case No.31 of 2020 registered under Sections 406, 420 and
34 of the Indian Penal Code.

The Block Development Officer, Bagaha-1 alleged in
his written application that as per direction of the District
Magistrate, Bettiah, West Champaran, it is directed to lodge a
case against the petitioner and others, who are upon enquiry
found to have defalcated huge quantity of government money
meant for execution of Nal-Jal Scheme in Ward Nos.11, 13 and
14 of the panchayat.

Learned counsel for the petitioner submits that the
petitioner is the Chairman of Ward Kriyanvayan and
Prabandhan Samiti of Ward No.13. The F.I.R. is lodged without

proper investigation against the petitioner. The enquiry was held. Maximum work was found complete. Only connection of water supply to the beneficiaries' house was not completed. The Public Grievance Redressal Officer of Block Bagaha informed the Block Development Officer vide Letter No.128 dated 11.09.2019. It is submitted that at the time of earlier enquiry, some works on account of some unavoidable circumstances were found to be incomplete but later on the entire work of Nal-Jal Scheme was completed and, therefore, the petitioner deserves anticipatory bail.

Learned A.P.P. vehemently opposed the prayer for anticipatory bail.

Perused the F.I.R. The Block Development Officer (informant) alleged that in Ward Nos.11, 13 and 14 of Panchayat Raj Kolhua, Chautarava the work was to be completed in the year 2018-19 but during the course of enquiry, it was found that the scheme of Nal-Jal Scheme in Ward Nos.11, 13 and 14 was not completed. Show-cause was asked but Mukhiya, Panchayat Secretary, Chairman of Ward Kriyanvayan and Prabandhan Samiti of Ward Nos.11, 13 and 14 did not give any satisfactory reply. It is found that the petitioner and other accused persons have received huge quantity of government money for execution

of Nal-Jal Scheme but even after lapse of financial year, the work was found incomplete and when the petitioner failed to give satisfactory reply, the F.I.R. was lodged.

Taking into consideration the facts aforesaid and the nature of allegations made against the petitioner and the fact that huge quantity of government money is said to have been defalcated by the petitioner and other accused persons, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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