

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1541 of 2021

Arising Out of PS. Case No.-124 Year-2017 Thana- PIPRAHI District- Sheohar

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BINDESHWAR RAY, Son of LATE KISHORI SHARAN RAY, Resident of
Village - Asopur, P.S.- Piprahi, Distt.- Seohar, Bihar. Petitioner/s
Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Singh, Adv.
For the Opposite Party/s : Mr.Dilip Kr. No.1, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-03-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to
remove the defects as pointed out by the office within four
weeks of normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 409, 406, 419, 420, 468, 471,
201, 120(B) and 34 of the Indian Penal Code.

Prosecution case in brief is that the informant, the
then Executive Engineer, P.H.E.D., Sheohar is that under Swach
Bharat Mission (Rural) and Lohiya Swachta Yojna a Gram Jal
and Swachta Samiti was constituted for Gram Panchayat
Abhirajpur Bairiya. For toilet construction, in installments a
total amount of Rs.3,67,80,000/- (three crores sixty seven lakhs
and eighty thousand) was made available to the Gram Panchayat
Abhirajpur Bairiya by the P.H.E.D., Sheohar. With this amount
total 3065 toilets had to be constructed in Gram Panchayat



Abhirajpur Bairiya. Vouchers for 3065 toilets were also produced in the office by the then Mukhiya namely Dharmendra Kumar Singh. Present Mukhiya namely Smt. Rubi Devi has made a complaint that 3065 toilets have not been got constructed in the Panchayat. The enquiry Committee constituted by the District Magistrate, Seohar has mentioned in it's enquiry report that only 1519 toilets have been found to be constructed and 626 villagers who received the amount in cash for toilet construction did not construct toilets which was not as per the law. In this way with the intention of embezzlement the fund was illegally utilized.

As per FIR, it has been alleged against the petitioner that being ward member of Ward no.4 in collusion with the Mukhiya gave wrong declaration letter that his ward has become open-defection free and further he did not give information to senior officers that his ward is not open defection free and further he did not given information to senior officer that his ward has not become open-defection free.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that from bare perusal of the FIR, it would appear that the petitioner was merely a ward member and



he had not been attributed any responsibility for construction of the toilet. All the ward members have been implicated in this case as a collective body in the FIR. He further submits that co-accused against whom there is allegation of positive role in the occurrence have been allowed bail vide order dated 11.11.2017, 19.12.2017 and 11.01.2018, passed in Cr. Misc. No. 1887, 60914 and 62960 of 2017. The petitioner is languishing in judicial custody since 11.09.2020. The petitioner has got no criminal antecedent which is mentioned in para 3 of the bail petition.

Learned APP for the State opposes the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Piprahi P.S. Case No. 124/2017 to the satisfaction of the learned Judicial Magistrate-1st Class, Sheohar.

(Anjani Kumar Sharan, J)

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