

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6980 of 2021

Arising Out of PS. Case No.-36 Year-2020 Thana- SARMERA District- Nalanda

1. DINESH TIWARI Son of Ram Baran Tiwari Resident of Village, P.O. and P.S. - Sarmera, District - Nalanda.
2. PRAVEEN KUMAR @ PARVEEN KUMAR PRANAY Son of Rajeshwari Prasad Singh Resident of Village, P.O. and P.S. - Sarmera, District - Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Advocate Mr. Ram Nibash Prasad Mr. Pratik Kumar
For the State		Mr. Ramchandra Singh, APP.

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

CAV ORDER

3 23-12-2021 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest for the offences alleged under Sections 406 and 420 of the Indian Penal Code, registered in connection with Sarmera P.S. Case No.36 of 2020.

The petitioner no.1 is the Ward Chairman and petitioner no.2 is the Ward Secretary of Implementation and



Management Committee of Ward no.5 of Sarmera Panchayat.

The allegation against them is that in the inquiry report it was found that the renovation work of drainage system was not done as per the norms and there was quality compromise in that construction. It was also found that old drainage system, after being renovated, was shown as newly-constructed drainage system.

Learned counsel for the petitioners has submitted that the main responsible person for execution of that Scheme was Mukhiya, who has not been made accused, whereas it is clear as per the inquiry report that the allegation against the Mukhiya was that he has transferred a huge amount in favour of an agency called 'Green Power'. The proprietor of the Green Power Agency, as per the inquiry report, was the close relative of the Mukhiya.

The petitioners are Ward Chairman and Ward Secretary of Ward No.5 of Sarmera Panchayat. As such, they are ex officio Chairman and Secretary of Implementation and Management Committee of Ward no.5 of Sarmera Panchayat and it is their responsibilities to assure that the work is done as per the norms and parameters and the materials of good quality are used in the construction work of that Scheme.



In view of aforesaid, I do not think it a fit case for grant of anticipatory bail to the petitioners. The prayer for anticipatory bail is hereby rejected.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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