

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5022 of 2022**

Arising Out of PS. Case No.-59 Year-2021 Thana- BABUBARHI District- Madhubani

Shyambabu Rai Son Of Khushilal Rai @ Shivilal Rai R/O Village- Sonpatahi  
(Sarara), P.S.- Babubarhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjeev Kumar Jha

For the Opposite Party/s : Mr.Parmeshwar Mehta

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      04-04-2022                      Heard learned counsel for the petitioner and learned  
A.P.P for the State.

The petitioner seeks bail in Babubarhi P.S. Case No.  
59 of 2021, registered for the offence punishable under Sections  
420, 409 and 34 of the Indian Penal Code.

As per the prosecution case, under the *Nal Jal*  
government scheme an amount of 13 lakh has been given to this  
petitioner being Ward Member vide cheque no. 185015 dated  
05.11.2018, but neither the work has been completed nor  
measurement book has been provided. Thus, petitioner has  
misappropriated government money.

It is submitted on behalf of the petitioner that  
petitioner has falsely been implicated in this case due to enmity  
by the then *Mukhiya*. Out of 13 lakh, work of worth Rs.



10,58,288 has been completed. Petitioner is in custody since 10.08.2021.

Learned APP however, vehemently opposed the prayer for bail and submitted that petitioner being Chairman of the *Prabandhan Samiti*, work was to be done under the guidance, supervision and control of the petitioner. As such, he was responsible for the completion of the work under *Nal Jal Yojana*. He received 13 lakh rupees under *Nal Jal Yojana*, but misappropriated the fund without completing the work.

Considering the facts aforesaid and the nature of allegation, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

**(Prabhat Kumar Singh, J)**

vinita/-

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