

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9738 of 2022

Arising Out of PS. Case No.-819 Year-2020 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Ashutosh Kumar @ Ashutosh Kumar Mahto Son of Late Satya Narayan Mahto Panchayat Secretary, Gram Panchayat Raj Ramgarhwa Under Block - Motihari Sadar, Distt.- East Champaran, Resident of Village - Singarhiya, P.s.- Motihari Sadar, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rakesh Ranjan Son of Sachchidanand Prasad Resident of Village - Surahi, P.s.- Motihari Sadar, East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar
For the Opposite Party/s : Mr.Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-08-2022 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends his arrest in Complaint Case No. C-819 of 2020 corresponding to Trial No. 842 of 2021, registered for the offences punishable under Sections 406, 420 and other allied sections of the Indian Penal Code.

As per the prosecution case, sewer was being constructed under scheme *Mukhyamantri Gali Nali Pakkikaran Nishchay Yojana*, this petitioner being Panchayat Secretary by misusing his power extended the said sewer up to the informant's pound due to which dirty water of the sewer started falling in the pound of informant and the fishes of the pound



died due to which he sustained loss of Rs. Two lakhs. Informant has filed an objection petition before the Block Development Officer, Motihari Sadar, but it cannot be resolved and sewer was constructed.

It is submitted that in the capacity of Panchayat Secretary petitioner is no way concerned with the execution of the said scheme. It is the *Mukhiya* of the concerned panchayat who makes the scheme and after due approval of the higher authorities funds are sanctioned, work allotted and thereafter, executed the same.

Counsel for informant however vehemently opposed the prayer for bail and submitted that petitioner has got criminal antecedents of three cases.

Considering the facts aforesaid, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Complaint Case No. C-819 of 2020 corresponding to Trial No. 842 of 2021, subject



to the conditions as laid down under Section 438(2) of the Code
of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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