

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13977 of 2022

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

MAHESH CHOUDHARY Son of Bindeshwar Choudhary Resident of village
- Samera, P.S.- Sarmera, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 31-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Sarmera
P.S. Case No. 36 of 2020 registered for the offence under
Sections 406 and 420 of the I.P.C.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.10.2021.

The allegation against the petitioner is to defalcate
public money as being ward secretary of ward no. 4 of Sarmera
Panchayat, Dist.-Nalanda.

Learned Senior counsel appearing on behalf of the
petitioner submitted that as per the counter affidavit of District



Magistrate, Nalanda, it appears that work of Rs. 13,30,003/- has already been completed against sanction amount of Rs. 13,31,800/-, where defalcation appears to be of Rs. 1797/-. It is further submitted that Rule-3(4) of Bihar Ward Sabha and Ward Implementation and Management Committee Conduct of Business Rule, 2017, never empowers this petitioner to involve in such alleged official activities. It is further submitted that the petitioner was not authorised signatory of the bank account relating transaction. It is further submitted that the allegation is very much general and omnibus. While concluding the argument, it has been submitted that the allegation is politically motivated, where petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that defalcation amount is very marginal, as per counter affidavit of District Magistrate, Nalanda.

Considering the facts and circumstances as mentioned above, as considering the defalcation amount which is Rs. 1797/- based upon measurement out of sanction amount of Rs. 13,31,800/- coupled with the fact that charge-sheet has been



submitted, let the petitioner, above named, is directed to be released on bail in connection with Sarmera P.S. Case No. 36 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of C.J.M., Nalanda at Bihar Sharif/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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