

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26764 of 2021

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

1. RAKHI DEVI W/o Late Chunnu Kumar R/o village and P.O. and P.S.- Sarmera, District- Nalanda
2. NAVRAJ SAGAR S/o Shiv Dani Prasad R/o village and 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
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

CAV ORDER

15 23-08-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

I have already heard the learned counsel for the petitioner 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.

Petitioner no.1 is the Ward Chairman and petitioner no.2 is Ward Secretary of Implementation and Management Committee of Ward No.6 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. It was also detected during the inquiry that in most of the Ward, the payment of amount was made to an Agency named as 'Green Power'. The founder of that Green Power Agency is one Dharmendra Kumar, who is the nephew of husband of Mukhiya.

The learned counsel for the petitioners has submitted that Mukhiya was not made accused in this case, neither Mukhiyapati was made accused when there is allegation that the Green Power Agency is run by the nephew of the husband of Mukhiya. He has submitted further that a report was called for from the District Magistrate, Nalanda. In that report, it has been mentioned that the Green Power Agency is a fake Agency and the proprietor of that Agency is close relative of Mukhiya of Sarmera Panchayat. In that report, it has also been mentioned that the Mukhiya has forcibly obtained cheques from the members of the Ward. He has also submitted that this report shows that there is no fault of the petitioners as the Mukhiya has forcibly taken cheques from them. After the above mentioned inquiry, a case was also lodged against Mukhiya of Sarmera Panchayat.

Although, it is true that in the inquiry it has figured



that the Mukhiya of Sarmera Panchayat has forcibly obtained the cheques from the Ward Members, but there is nothing which shows that the petitioners complained against the Mukhiya to any higher authority. Petitioners are duty-bound to supervise the entire work as they are Ward Chairman and Ward Secretary of Implementation and Management Committee of Ward No.6 of Sarmera Panchayat. It was their duty to supervise the entire work and if any quality compromise was there, they were duty-bound to inform it to the higher authorities, to which they did not do so. As such, they are equally responsible for the quality compromise in the Government works.

Considering the above facts and circumstance, I do not think it to be a fit case for anticipatory bail. The prayer for anticipatory bail on behalf of the petitioners is hereby rejected.

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

(Nawneet Kumar Pandey, J)

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