

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.43017 of 2021

Arising Out of PS. Case No.-2 Year-2021 Thana- GHOSWARI District- Patna

KUMARI KANCHAN Wife of Mithilesh Yadav Present Mukhia of Gram Panchayat- Gosain Gaon, Under Ghoswari Block, Resident of Village - Gosain Gaon, Police Station - Ghoswari, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 05-07-2022 Heard learned counsel for the petitioner and the State.

Petitioner apprehends his arrest in a case registered for the offence punishable under Section 419, 420, 409/34 of the Indian Penal Code.

The allegation is this petitioner along with other accused persons, in violation of departmental guidelines, committed irregularity in financial expenses and transferred more money than fixed amount and transferred Rs. 52, 89,229/- Rs. 50, 89,555/- and Rs. 54,72,801/- respectively to Ward No. 06, 09 and 10 whereas the Panchayati Raj department, Government of Bihar has provided only Rs. 12.13 Lakh per ward by its letter No. 269 dated 17.01.2017.

Learned counsel appearing for the petitioner submits



that petitioner is innocent and has falsely been implicated in the case. Petitioner has committed no defalcation and work in question has already been completed. The petitioner in the capacity of Mukhiya of Gram Panchayat, Gosai Gaon simply complied with the direction issued by the Block Development Officer. It is further submitted that there is no allegation that work has not been completed as such Section 419, 420/34 of the IPC is not made out against this petitioner. It is next submitted that husband of petitioner seek R.T.I and the information was given to him vide letter No. 155 dated 02.02.2021 wherein it is clearly informed that guidelines issued vide letter No. 269 dated 17.01.2017 was neither received by the BDO, Ghosawari and due to that the same was not made available to the petitioner or any other Panchayat representative. Petitioner has got clean antecedent.

Learned counsel appearing for the State opposes the prayer for anticipatory bail and submits that petitioner, in violation of departmental guidelines, committed irregularity in financial expenses and transferred more money than fixed amount.

Considering the nature of accusation and gravity of the offence, I am not inclined to enlarge the petitioner on



anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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