

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50113 of 2021

Arising Out of PS. Case No.-138 Year-2021 Thana- WARISLIGANJ District- Nawada

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Bhuwaneshwar Prasad Son of Late Bharat Prasad Resident of Village -
Dhanuchak, P.S.- Rajauli, District - Nawada. At present posted as Panchayat
Secretary, Gram Panchayat Raj Paijana and Pachrukhi, Block - Akbarpur,
District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Rajeev Kumar Singh, Advocate Mr. Pranab Jha, Advocate
For the State	:	Mr. Dilip Kumar No.1, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 13-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehend his arrest in connection with
Warsaliganj P.S. Case No.138 of 2021, registered for the
offences punishable under Sections 420 and 409 of the Indian
Penal Code.

The allegation against the petitioner, who at the
relevant point of time was the *Panchayat* Secretary of Gram
Panchayat Raj Dosut in Warsaliganj block of Nawada district, is
that the toilet under the MENREGA meant for the weaker
sections of the society for which payments have been made, was
not constructed to the tune of Rs.1,88,600/-.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. It is further submitted that no specific allegation is made against the petitioner. It is submitted that complaints were filed before the *Lokayukta* and in the enquiry, it has come that the persons who are said to be the complainant had stated that they had never made any complaint. It is submitted that the scheme and payment relates to the year 2013-14 whereas the enquiry has been made in the year 2017. It is further submitted that similarly situated co-accused, Gayatri Devi has already been granted anticipatory bail by a co-ordinate Bench of this Court vide judgment dated 05.10.2021, passed in Criminal Miscellaneous No.49007 of 2021. It is lastly submitted that the petitioner has got no criminal antecedent as stated in paragraph-3 of the bail application.

The learned APP for the State opposed the prayer for anticipatory bail of the petitioner.

Taking into consideration the facts aforesaid, let petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of



the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Warsaliganj P.S. Case No.138 of 2021, subject to the conditions laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J.)

Sanjay/-

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