

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52336 of 2021

Arising Out of PS. Case No.-3 Year-2021 Thana- TARIYANI CHAPRA PS District- Sheohar

1. MAHENDRA SAH Son of Late Ramashish Sah Resident of Village-Nandana, P.S.- Sheohar, District- Sheohar.
2. Mithilesh Sah @ Mithalesh Son of Lakshuman Sah Resident of Village-Nandana, P.S.- Sheohar, District- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 31-01-2022 Heard.

The petitioners seek regular bail in connection with Tariyani Chapra P.S. Case No. 03 of 2021, registered for the offence punishable under sections 420, 406, 409/34 of the Indian Penal Code.

The allegation is regarding misappropriation of funds belonging to Nal Jal Yojana by the Panchayat Chairman and Secretary of Kumhrar Ward No. 7.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case, are having a clean antecedent and are languishing in custody since 10.7.2021. The learned counsel for the petitioners has



further submitted that the Chairman of the Panchayat namely Smt. Sita Devi has already been granted anticipatory bail by a co- ordinate Bench of this Court vide order dated 8.10.2021 passed in Cr. Misc. No. 24451 of 2021. The learned counsel for the petitioners has further submitted that the petitioners are not named in the FIR and they have been falsely roped in the present case in as much as during the course of investigation it has transpired that the petitioners are the members of the said Panchayat, however, it is submitted by the learned counsel for the petitioners that the financial powers are vested with the Chairman and the Ward Secretary and not with the members, hence, the petitioners cannot be stated to be having any complicity in the matter.

Per contra, shri Parmeshwar Mehta, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the parties and taking into account the materials available on record as also considering the fact that the petitioners are not named in the FIR, they are having a clean antecedent and moreover, they are stated to be



merely the members of the Panchayat in question and are having no financial powers with them, apart from the fact that the Chairman of the Panchayat has already been granted anticipatory bail by a co-ordinate Bench of this Court, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned court of Judicial Magistrate, First Class, Sheohar in connection with Tariyani Chapra P.S. Case No. 03 of 2021.

(Mohit Kumar Shah, J)

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