

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2482 of 2023**

Arising Out of PS. Case No.-181 Year-2022 Thana- DESARI District- Vaishali

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1. SRIMATI MALTI DEVI @ MALTI DEVI Wife of Late Manoranjan Prasad Singh Ward Member R/v and P.O.- Pohiyar, P.S.- Desri, District- Vaishali
  2. GAUTAM KUMAR SINGH Son of Satyander Kumar Singh Ward Secretary R/v and P.O.- Pohiyar, P.S.- Desri, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Vasant Vikas, Advocate.

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

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

3      16-05-2023                      Heard Mr. Vasant Vikas, learned counsel for the petitioners and Mr. Parmeshwar Mehta, learned Additional Public Prosecutor appearing for the State.

Petitioners apprehend their arrest in connection with Desri (Sahdei O.P.) P.S. Case No. 181 of 2022 registered for the offence punishable under Sections 408, 467, 420, 468 and 471/34 of the Indian Penal Code.

As per the allegation made in the First Information Report, the petitioners being the Ward Member and the Ward Secretary respectively have committed financial irregularity in execution of the Government scheme of *Mukhyamantri Gramin Gali Nali Pakkikaran Nishchay Yojana*.



Learned counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and they have been made scapegoat at the behest of the Panchayat Secretary. He further submits that a sum of Rs.12,50,000/- was sanctioned for the purpose of the implementation of *Mukhyamantri Gramin Gali Nali Pakkikaran Nishchay Yojana* within Ward No. 2 of Gram Panchayat Sahdei Bujurg. The nature of the work to be executed against the said amount was for construction of PCC from the house of Ramlakhan Singh to the door of Chandeshwar Prasad Singh in Ward No. 2.

Referring to the allegation made in the First Information Report, learned counsel for the petitioners further submits that only allegation against the petitioners is that the work was started and completed prior to the approval of the scheme by the *Aam Sabha*. He next submits that the measurement book was prepared by the Junior Engineer who has found that the work to the value of Rs.12,07,000/- was completed by the executing agency. The petitioner No. 1 is a lady aged about 65 years and petitioner No 2 is a Ward Secretary having no criminal antecedents.

Regards being had to the submission made by the



parties and taking into consideration the materials on record and the measurement book prepared by the Junior Engineer confirming that work to the value of Rs.12,07,000/- has been completed and except the petitioners and another Ward Secretary of another Ward, no other official has been made accused in the present First Information Report and this is not the case of the prosecution who has filed the case that the custodial interrogation of the petitioner is required, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand)each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Desri (Sahdei O.P.) P.S. Case No. 181 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Anil Kumar Sinha, J)**

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