

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7351 of 2023

Arising Out of PS. Case No.-165 Year-2022 Thana- BAKHARI District- Begusarai

1. KALYANI DEVI Wife of Sanjay Kumar Singh R/o Village- Sakarpura, Ward no. 18 (New Ward no. 7), P.O. and P.S.- Bakhri, Distt- Begusarai.
2. Kumari Veena W/o Sri Ashok Kumar Mahton @ Ashok Mahto R/o Village- Makhachak, Ward no. 4 (New Ward no. 17), P.O. and P.S.- Bakhri, Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awnish Kumar, Advocate
For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-05-2023 Heard the learned counsel for the petitioners and
the learned A.P.P. for the State.

At the outset, the learned counsel for the petitioners seeks to make correction in the cause title of present petition during the course of the day. Permission so sought, is granted.

Let the needful be done during the course of the day.

This is an application for grant of anticipatory bail in connection with Bakhri PS case no. 165 of 2022, registered for the offences punishable under Sections 406, 409 of the Indian Penal Code.

It is alleged that certain purchases were made by the



Nagar Panchayat, Bakhri, whereafter inquiry was held by the Vigilance Department and it transpired that lot of discrepancies had crept in, the provisions contained in the ***Bihar Financial Rules, 2005*** have not been followed, tenders were invited without disclosing specification of the articles to be purchased as also supply orders were issued without obtaining quotations. The Vigilance Department had also found various irregularities in purchase of CCTV cameras, Four Cylinder Power Tractor (J.C.B. Set), Street Light and High Mast Light etc.

The learned counsel for the petitioners submits that petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. The learned counsel for the petitioners has further submitted that the petitioners were elected as Ward Councillors of *Bakhri Nagar Panchayat* in the year, 2017 and the said *Bakhri Nagar Panchayat* consists of 20 elected Ward Councilors, however, the petitioners were not the members of the Standing Committee or that of the Purchase Committee, hence since the purchase was made by the said *Nagar Panchayat*, after approval of the Standing Committee/ Purchase Committee, the responsibility for any irregularities having been committed lies upon the members of the Standing Committee/ Purchase Committee or



the Chief Councilor. Lastly, it is submitted that some co-accused persons, who were also Ward Councilors of *Nagar Panchayat*, have already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 18.04.2023, passed in Cr. Misc. no. 8184 of 2023 and in fact, a Chief Councilor has also been granted anticipatory bail.

Per contra, 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 learned counsel for the parties and taking into account the materials available on record as also considering the parity of the case of the petitioners with that of the co-accused persons who have already been granted the privilege of anticipatory bail, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction



of Chief Judicial Magistrate, Begusarai in connection with
Bakhri PS case no. 165 of 2022, subject to the conditions as laid
down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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