

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11204 of 2023**

Arising Out of PS. Case No.-13 Year-2021 Thana- SURYAPURA District- Rohtas

=====

Pawan Kumar Dubey @ Pawan Kumar Son Of Late Ganesh Dubey Resident
Of Village- Andhar, P.O.- Karma, P.S.- Suryapura, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Shankar Kumar

For the Opposite Party/s : Mr.Umeshanand Pandit

=====

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 21-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 409, 420/34 of the Indian Penal Code.

The allegation against the petitioner being Ward member is that he has irregularly withdrawn Rs. 7,00,000/- seven lacs for the purpose of Gram Panchayat but the work has not been completed till now, as such he has defalcated the above-mentioned Government money, after that this case has been lodged.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has



falsely been implicated in this case. The contractor who happens to be own relative of the Mukhiya, after getting the amount, has fled away and not completed the work, due to which, a complaint case being Complaint Case No. 290 of 2020 dated 16.09.2020 has been lodged by the petitioner against the contractor and after getting the knowledge about lodging of the complaint case, the present case has been lodged against him with ulterior motive. It is further submitted that after sanction of the amount under Jal Nal Yojna, the amount was transferred in the bank of Gram Panchayat, which has been withdrawn in favour of the contractor under the joint signature of the Ward Member and ward Secretary, hence there is no sole liabilities upon the petitioner as Ward member. He has got no criminal antecedent. Similarly situated co-accused has already been granted bail by a coordinate Bench of this Court vide order dated 30.08.2022 passed in Cr. Misc No. 64909 of 2022. The petitioner is languishing in judicial custody since 16.09.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as



judicial custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Suryapura P.S. Case No. 13 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate Ist Class, Bikramganj, District Rohtas.

(Sunil Kumar Panwar, J)

Manish/-

U		T	
---	--	---	--

