

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14453 of 2023

Arising Out of PS. Case No.-135 Year-2022 Thana- BIBHUTIPUR District- Samastipur

RAM SWARATH SINGH S/o Rambahadur Singh R/o Village- Mahashi Ward
no. 3, P.S.- Bibhutipur, Distt- Samastipur, Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Madhav Kumar, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Bibhutipur P.S. Case No. 135/2022 registered for the offences punishable under Sections 409 and 420 of the Indian Penal Code. He has no criminal antecedent as stated in paragraph '3' of the application.

Learned counsel for the petitioner submits that petitioner happened to be the Panchayat Secretary of the Ward No. 3. The allegation against him is that he had received the money for the scheme in question, but the same was not completed and according to the measurement book as against the amount of Rs. 12,81,600/- received for the said scheme only the work for Rs. 9,04,349/- was completed.

Learned counsel for the petitioner submits that the



Panchayat Secretary has no role to play in the matter of implementation and monitoring of the said scheme. It is further submitted that the Ward Chairman who has also the Chairman of the Implementation and Management Committee of the Ward No. 3 has been granted privilege of regular bail by an order of this Court passed in Cr. Misc. No. 47479/2022.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Considering the aforesaid facts and circumstances of the case and the submission made at the Bar that the Chairman has been granted privilege of regular bail, this Court is not inclined to grant anticipatory bail to the petitioner, instead, grants liberty to the petitioner to surrender within a period of four weeks from today and prays for regular bail in the learned court below. The court below shall consider the prayer for regular bail of the petitioner on it's own merit and also by considering that the Chairman of the Management Committee is said to have been granted regular bail.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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