

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17296 of 2023

Arising Out of PS. Case No.-292 Year-2022 Thana- BARACHATTI District- Gaya

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RAMJEE DAS @ RAMJEE KUMAR Son of Sri Kameshwar Das Resident
of Village- Chouriya Ps- Barachatti Ps- Barachatti, Dist- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suresh Prasad Singh son of Late Mahavir Prasad Singh Resident of Village-
Mankoshi, Ps- Bodh Gaya Dist- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh
For the Opposite Party/s : Mr. Anant Kumar 1

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 17-07-2023 1. Heard learned counsel for the petitioner as well as
learned APP for the State.
2. The petitioner apprehends his arrest in a case registered
for the offence punishable under Section 409 of the Indian Penal
Code.
3. The prosecution case, in short, is that the petitioner
being the *Ward Sachiv* in Ward No.6 at Village-*Gajargarh* under
Kahudag Gram Panchayat for the project of Rural Drinking
Water Project and the amount which has been provided by the
Government under the said schemed is said to have been
defalcated by the petitioner.
4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and have committed no offence. He



has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner is the Ex ward secretary of ward no.1 of the said village. The above work has been completed on 31.03.2019 and the inspection has been done on 25.02.2022 i.e. after delay of three years. He submits that the work of the said scheme was done under the supervision and direction of the Junior Engineer and the Junior Engineer of the said panchayat has also prepared the M.B. Book after completion of the work. The petitioner has received Rs.9,93,300/- and has worked of Rs.11,01,317/- but the said Junior Engineer has booked his M.B of Rs.6,34,232/- only. He further submits that since, December 2021, the new ward secretary had to look after the work and he also received the maintenance amount. The allegation against the petitioner is that there was delay in supplying water. Petitioner has no criminal antecedent.

5. Petitioner is ready to deposit the differentiated amount of Rs.3,59,068/- in the learned Court below, subject to the final outcome of the present case.

6. Learned APP for the State opposed the prayer for anticipatory bail by submitting that as per the report given to the



District Magistrate, shows that for the completion of scheme Rs.9,93,330 was withdrawn by the joint signature of the petitioner and the Ward *Sachiv* and the measurement amount was shown to be of Rs.6,34,232 by the Junior Engineer.

7. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his/her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Barachatti P.S. Case No.292 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. However, learned Court below is directed to accept the bail bond of the petitioner, only after the deposit of entire amount of Rs.3,59,068/- in the learned Court below, which shall be subject to the final outcome of the present case.

(Anjani Kumar Sharan, J)

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