

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17525 of 2023

Arising Out of PS. Case No.-597 Year-2022 Thana- GAURICHAK District- Patna

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Anil Prasad Singh S/O Ram Iqbal Singh Resident Of Vill And P.O.-Masaudhi,
P.S.-Masaudhi, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

WITH

CRIMINAL MISCELLANEOUS No. 26758 of 2023

Arising Out of PS. Case No.-597 Year-2022 Thana- GAURICHAK District- Patna

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Rabindra Singh S/O Munni Lal Singh R/O Village- Chandos Mathiya, P.O-
Chiksi, P.S- Sigodi, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 17525 of 2023)

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

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

(In CRIMINAL MISCELLANEOUS No. 26758 of 2023)

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

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 29-08-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a
case registered for the offence punishable under Sections 409,
420 of the Indian Penal Code.

3. Prosecution case is that there were irregularities
found at village Panchayat, Brawa Parkhand, Punpun under



Panchayati Raj Department in the scheme of Chief Minister Seven Nischay, Yojna, Gramin Payjal Nischay Yojna and Gramin Gali Pakkikaran Yojana. It is stated that after inspection by Jila Panchayat Officer, Patna through Letter No. 3188 dated 06.09.2021, President, Ward Secretary, Panchayat Secretary, Junior Engineer and Mikhiya of Ward No. 1, 2, 6, 7, 9, 10 and 11 were found guilty.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that there is no specific allegation against the petitioners. He submits that the instant FIR has been lodged in absence of relevant fact because on perusal of allegation no. 1 it transpired that discrepancies found as per the Gazette of Chief Minister Village Nal, Jal Yojna dated 17.01.2017, however, true fact is that the said gazette introduced on 29.06.2017, hence, the allegation is baseless. He submits that there is general and omnibus allegation levelled against the petitioners. He submits that petitioner, namely, Rabindra Singh, of Cr. Misc. No.26758 of 2023 has taken charge of this Panchayat on 15.09.2019 and the said matter is before his joining. He further submits that the Panchayat Sachiv cannot release any fund without the direction of concerned Block Development Officer. He submits that the similarly situated co-accused has already been granted bail by a coordinate Bench of this Court vide order dated 27.06.2023



passed in Cr. Misc. No. 21433 of 2023. He further submits that petitioners have no criminal antecedent as stated in para-3 of their respective bail application.

5. Learned APP for the State opposes the prayer for bail and submits that the District Panchayati Raj Officer, Patna has carried out an enquiry and submitted his enquiry report in which he has found that the then Panchayat Secretaries, Junior Engineer, Mukhiya and Chairman and Ward Secretaries are responsible for cheating and misappropriation of fund. He further submits that in both these cases there is allegation of misappropriation of huge amount of government money, hence the petitioners do not deserve anticipatory bail.

6. On the direction of this Court, learned APP has filed a detailed counter affidavit in both these cases. In the counter affidavit, it is, *inter alia*, stated that on the basis of the enquiry report of the District Panchayati Raj Officer, Patna vide letter no.3188, dated 05.09.2021, the concerned Chairman/Secretary of the Ward Implementation and Management Committee along with the Mukhiya, Panchayat Secretary and the Junior Engineer has been held responsible for the alleged irregularities. It is also stated in the counter affidavit that funds were released ignoring the maximum limit of Rs.12.13 lacs as fixed under the departmental guidelines issued vide letter no.268, dated 17.01.2017. With regard to the submissions made



on behalf of the petitioners that one similarly situated co-accused, namely, Yogeshwar Paswan @ Yugeswar Paswan has been enlarged on anticipatory bail by a co-ordinate Bench of this Court, after going through the order, I can only say that learned counsel for the petitioner of that case, perhaps, succeeded in misrepresenting the facts and/or misguided the Court.

7. Having heard rival submissions, considering the facts and circumstances of the case and on perusal of the materials available on record, both these cases depict a very sorry state of affair in which huge amount of government money were misappropriated by the petitioners in association of other co-accused which were for the welfare of public at large.

8. In view of the aforesaid, I am not inclined to enlarge the petitioners on bail. Accordingly, their prayer for anticipatory bail is rejected in connection with Gaurichak P.S. Case No. 597 of 2022.

(Anjani Kumar Sharan, J)

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