

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31332 of 2023**

Arising Out of PS. Case No.-383 Year-2022 Thana- BATHNAHA District- Sitamarhi

MANOJ KUMAR Son of Sh. Lakhindra Raut Resident of Ward No.- 8,
Village - Majhauriya, Dwamariya, P.S.- Bathnaha, District - Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
 2. Sri Binda Paswan, The Secretary of the Gram Panchayat Raj - Majhauriya,
P.S.- Bathnaha, District - Sitamarhi, Bihar
 3. The Block Development Officer, Bathnaha Block, District - Sitamarhi. Bihar
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat

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

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 21-08-2023 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 409, 420/34 of the Indian Penal Code pending in the learned court below.

3. Prosecution case in short is that the informant Binda Paswan, Secretary of Gram Panchayat submitted a written report stating therein that the estimate was prepared for the work performance with respect to the Mukhiya Mantri Pay Jal Yojna regarding Gram Panchayat, Majhauriya Ward No.1 has been for the sanctioned money of Rs.1,44,619/-. The said amount was withdrawn by the then ward member Raushan Khatoon and ward secretary in their joint signature on dated 05.09.2020 and 01.03.2021 through cheque no.217524 and 517527. The said amount was withdrawn by



them. Allegedly, out of said amount, as per report of technical assistant, Sri Ashutosh Kumar, the work performance has been found worth amounting to Rs.2,90,000/- and the rest amounting to Rs.1,144,619/- has been defalcated by ward member and ward secretary aforementioned named.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel for the petitioner further submits that when he moved to this fact, he filed an application before the Branch Manager, Bank of Baroda to stop the payment, annexed as Annexure-2, but later on Rs. 2.5 lakhs has been transfer by the family member.

5. Learned APP for the State opposes the prayer for bail and submits that it is admitted fact that only Rs.2,90,000/- was work was completing and rest amount was defalcated by the petitioner and ward member.

6. Considering the nature of offence, I am not inclined to grant anticipatory bail to the petitioner. Therefore, the prayer for anticipatory bail of this petitioner is dismissed.

(Anjani Kumar Sharan, J)

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