

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.38900 of 2023**

Arising Out of PS. Case No.-304 Year-2022 Thana- BISFI District- Madhubani

ABDUL QADIR @ ABDUL KADIR @ ABDUL KADIR ANSARI Son of  
Late Abdul Mannan Ansari @ Late Abdul Mannan Resident of village -  
Raghepura, P.S. - Bisfi (Patauna O.P.), Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA  
ORAL ORDER**

2      28-07-2023                      Heard Mr. Sunil Kumar Singh, learned counsel for  
  
the petitioner and Mr. Parmeshwar Mehta, learned Additional  
  
Public Prosecutor for the State.

2. Petitioner apprehends his arrest in connection with  
Bisfi (Patauna O.P.) PS Case No. 304/2022 dated 28.09.2022  
registered for the offence punishable under Sections 406, 409,  
and 420 of the IPC.

3. As per prosecution case, two Government  
schemes, namely, *Har Ghat Nal Jal Yojna* were to be executed  
in Gram Panchayat, Raghepura, Ward No. 9, by Ward Execution  
and Management Committee of which the petitioner was the  
Chairman and one Rehana Khatoon was Secretary. As per  
estimate of both the schemes a sum of Rs. 33,58,000/- was



transferred by the concerned Gram Panchayat in the joint account of Ward Execution and Management Committee of which the petitioner and the Ward Secretary were the authorized signatories. It has been alleged that without completion of the work within the stipulated time a sum of Rs. 33,41,000/- has been withdrawn from the account by the petitioner and the Ward Secretary and upon enquiry, it was found that the only work to the value of Rs. 18,76,440/- was executed. Accordingly, the petitioner and the Ward Secretary defalcated the Government money to the tune of Rs. 14,64,560/-.

4. Learned counsel for the petitioner submits that the petitioner was the Chairman of the Ward Execution and Management Committee and besides him, one Ward Secretary and seven members were also there to look after the work, guidance and supervision. Though, the petitioner being Chairman of the said Committee was responsible for completion of “*Har Ghat Nal Jal Yojna*” in the concerned Ward but Mukhiya, Ward Secretary and contractor pressurized him to make payment to the contractor without completion of work as per the guidelines for which the petitioner lodged a complaint before the District Magistrate on 29.01.2022 but no action whatsoever was taken. Finding no other way, the petitioner also



lodged a complaint case bearing Complaint Case No. 115/2022 dated 18.04.2022 against the Mukhiya and others in the court of ACJM-I, Benipatti and only thereafter the present case has been lodged by the Panchayat Secretary. The petitioner has not done any embezzlement or defalcation of the Government money but he was forced to sign the cheques for payment to the contractor.

5. I have heard learned counsel for the parties.

6. Upon perusal of the FIR, it is evident that against the total amount given to the concerned Ward of which the petitioner was the Chairman, the work to the value of Rs. 18,76,440/- was only completed but the petitioner being the signatory of the bank account of the Ward Execution and Management Committee, admittedly, withdrawn the excess amount to the tune of Rs. 14,64,560/-. As such, *prima facie*, it appears from the record that the Government amount of Rs. 14,64,560/- meant for public scheme has been squandered and defalcated by the petitioner in connivance with other accused persons. The defence taken by the petitioner that he lodged a complaint before the District Magistrate on 29.01.2022 regarding the pressure being put upon him by the Mukhiya and the Ward Secretary cannot be accepted because from perusal of the same, it does not appear that the complaint was received in



the office of the District Magistrate. However, from the letter of BDO, Bisfi, Madhubani dated 15.09.2022 which is a part of FIR, it appears that the present FIR has been lodged against the petitioner and others after enquiry by the technical Assistant and Accountant-cum-IT Assistant and further upon perusal of the FIR (Annexure-1) it further appears that the FIR has been lodged against the petitioner and others under the direction of the District Magistrate.

7. In the aforesaid backdrop, I am not inclined to grant anticipatory bail to the petitioner. The same is, hereby, dismissed.

**(Anil Kumar Sinha, J)**

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