

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43774 of 2023**

Arising Out of PS. Case No.-142 Year-2023 Thana- DURGAWATI District-
Kaimur (Bhabua)

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BANARSI RAM SON OF LATE DUKHDAWAN RAM @ LATE DUKHAN RAM
VILLAGE PIPARIYA, PS- MOHANIYA, DISTRICT- KAIMUR (BHABUA)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramchandra Singh

For the Opposite Party/s : Mr.Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-10-2023 Heard Mr Rachandra Singh, learned counsel for the
petitioner and Mr. Yogendra Kumar, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Durgawati P.S. Case No. 142 of 2023 registered for the
offence under Sections 409, 420/34 of the Indian Penal Code.

The case relates of misappropriation of government
fund allotted for instillation of street lights under the Khajura
Panchayat.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the allegation, as alleged in the F.I.R., is false and fabricated and
the petitioner has not committed any offence. He further submits
that the petitioner happens to be Panchyat Secretary at the time



of occurrence. He further submits that the petitioner has discharge his duties as per the direction of Mukhiya concern and he has no concern at all with the alleged occurrence.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner was involved in the present case and in internal report, it has surfaced that the petitioner and other accused persons have not completed the work as assigned to them and they have misappropriated the amount which was allotted for the purpose of work as mentioned in the F.I.R. He further submits that the petitioner carries three more cases other than the present one.

Considering the facts and circumstances of the case, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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