

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44311 of 2022

Arising Out of PS. Case No.-41 Year-2021 Thana- BATHNAHA District- Sitamarhi

1. Somari Devi Wife Of Lakshmi Paswan R/O Village- Lachhua, P.S.- Bathnaha, District- Sitamarhi (Bihar)
2. Tej Narayan Mahto Son Of Late Shital Mahto R/O Village- Lachhua, P.S.- Bathnaha, District- Sitamarhi (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate
For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 24-04-2023 Heard Mr. Uday Kumar, learned counsel appearing on behalf of the petitioners and Mr. Parmeshwar Mehta, learned APP appearing on behalf of State.

2. The petitioners apprehend their arrest in connection with Bathnaha P.S. Case No. 41 of 2021 registered under Section 188, 406, 409, 420, 34 of the Indian Penal Code.

3. Learned counsel appearing on behalf of the petitioners submitted that petitioners are member of Ward Implementation and Management Committee. The petitioner, along with other members, including the Chairman, namely,



Ramashish Mahto, of the Implementation and Management Committee have been made accused for illegal withdrawal of Rs. 23,98,214/- which had been sanctioned for utilization in the Nal-Jal Yojana. The cheque had been issued in the account of the Ward Management Samiti, who have failed to complete the work of Nal-Jal Yojana. Now the work has been completed by some other person and recovery of money is required to be made from the Ward Member concerned.

4. Learned APP has vehemently opposed the prayer for the grant of bail to the petitioners.

5. Considering the rival submission of the parties and the statement made in Paragraph No. 5 of the counter affidavit, the petitioner has no role in the alleged commission of fraud. I am of the opinion that petitioners have made out a case to be released on pre-arrest bail.

6. Court below is directed to release the petitioners on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Bathnaha P.S. Case No. 41 of 2021, subject to the condition as



laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

minu/-

U			
---	--	--	--

