

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61901 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- BELA District- Sitamarhi

RAM KISHORE SINGH S/O SONFI SINGH R/O VILLAGE- MANPAUR,
PS. BELA, DIST. SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha
For the Opposite Party/s : Mr. Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 11-10-2023 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Bela Police Station Case No. 35 of 2023, disclosing offences under Sections 406/409/420/34 of the Indian Penal Code.
3. The prosecution case, on the basis of First Information Report, lodged by the Panchayat Secretary, stating therein, that as per the letter issued by the District Panchayat Raj Officer, Sitmarhi *vide* letter no. 262, dated 28.01.2023, and the letter issued by the Block Panchayat Officer *vide* letter no. 60, dated 01.02.2023, the informant was directed to lodge First Information Report against the Ward Member and Ward Secretary of Ward No. 2, 4, 5, 7, 9, 11, 12, 13 and 14. It has been alleged that in Ward No.



2, 5, 7, 9 and 14, excess amount has been withdrawn as mentioned in the measurement book and there was direction for recovery and further it has been alleged that during inquiry in Ward No. 4, due to death of Ward Member, the Ward Secretary, with the help of Implementation and Management Committee, withdrew illegal amount. It has further been alleged that in Ward No. 11, 12 (part-2) and 13, the Ward Member did not produce the measurement book and also did not disclose the names of the Management Committee and the Secretary. The petitioner is concerned with Ward No. 12 (part-2).

4. Learned Counsel for the petitioner submits that in so far as the Ward No. 12 (part-2) is concerned, the only allegation that the petitioner, being the Ward Member on the relevant point of time, did not produce the measurement book to the District Panchayat Raj Officer, Sitamarhi. He further submits that the petitioner was never given opportunity to produce the measurement book, however, the measurement book has already been made available with the Panchayat Secretary, Gram Panchayat Raj Manpaur and the same has been produced



before the learned Sessions Judge with regard to implementation of work by the petitioner. The photocopy of the measurement book is annexed at Annexure-2 to this application. He next submits that there is no allegation of defalcation against the petitioner with regard to implementation of Government Scheme in Ward No. 12 (part-2).

5. Regards being had to the submissions made by learned counsel for the parties and taking into consideration and submission advanced by learned counsel for the petitioner that the measurement book has already been produced before the learned Sessions Judge by the petitioner, accordingly, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sadar, Sitamarhi, in connection with Bela Police Station Case No. 35 of 2023, subject to the



condition laid down under Section 438 (2) of the Code of Criminal Procedure.

8. This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J)

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