

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63614 of 2022

Arising Out of PS. Case No.-2 Year-2021 Thana- SIKARPUR District- West Champaran

Santosh Kumar Son Of Naresh Yadav @ Naresh Raut Secretary, Ward No.- 7,
Panchayat Raj Kukura, Resident Of Village - Paddiya (Pandriya), Post Office
- Maniyari Police Station - Shikarpur, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 21-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for
grant of regular bail in connection with Shikarpur P.S. Case No.
02 of 2021 registered under sections 420, 406 and 409 of the
Indian Penal Code.

According to the prosecution case, the petitioner is
said to have misused the public money and installed the sub-
standard equipment under the Scheme of Mukhyamantri
(Gramin Peyjal Nischay) Yojna and Mukhyamantri (Gramin
Gali Nali Pakkikaran Nischay) Yojna.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He has



falsely been implicated in this case. It is submitted that from para-7 of this petition that from F.I.R. itself, it appears that the petitioner being the Ward Sachiv of Ward No.7 elected/nominted by the ward people of the village just to assist the work with the Ward Chairman of the executive and management committee for such work which was completed under the control and supervision of the Mukhiya and the Panchayat Sachiv, but the actual work had to be done by the contractor and thus it is clear that the petitioner being the nominated ward sachiv for supervising the work, not such direct role to get the work done by him rather it was purely under the control of the Mukhiya and the Govt. Servant as Panchayat Sachiv. It is further submitted that it was Mukhiya or Panchayat Sachiv who has responsibility to get the work done properly. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Similarly situated other co-accused person has already been granted bail by different co-ordinate Bench of this Court vide order dated 19.12.2022 in Cr. Misc. No.59573 of 2022. The petitioner is languishing in judicial custody since 05.07.2022.

The application for bail is vehemently opposed by learned APP for the State.



Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Shikarpur P.S. Case No. 02 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran.

(Sunil Kumar Panwar, J)

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