

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68543 of 2022

Arising Out of PS. Case No.-190 Year-2016 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

MANZOOR MIYAN S/o Md. Shahid Miyan R/v- Ramgarhwa, P.S.-
Ramgarhwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-04-2023 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

The accused/petitioner is named in F.I.R and
apprehending his arrest in connection with Complaint Case No.
C-190 of 2016 in which cognizance has been taken for offences
punishable under Sections 409, 120-B/34 of the Indian Penal
Code.

The allegation against the petitioner being *Mukhiya* is
to defalcate an amount total of Rs. 1,04,31,100/- (One Crore
Four Lakh Thirty One Thousand One Hundred) for the period of



2011 to 2015 which were alleged for different schemes under **MGNREGA Yojna**.

Learned counsel appearing on behalf of the petitioner submitted that petitioner implicated falsely in this case as admittedly, petitioner as *Mukhiya* is not authorized to withdraw any amount under the schemes from the bank. It is submitted that it is B.D.O and B.P.O, who jointly authorized to withdraw money from government account related to this scheme. It is further submitted that present complaint case was filed in the year 2016. It is submitted that actually complainant of this case who is elected ward member misappropriated the government money allotted for development work of the area and when the Block Programme Officer (B.P.O.) lodged a case against him, the complainant just to make things complex lodged present case without having any connecting evidence. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

Learned APP for the State opposes the prayer of bail.

Considering the aforesaid facts and circumstances, as petitioner not appears to be authorized person to operate bank account, let above named petitioner, in the event of his arrest or surrender before Court below within a period of four weeks, is



directed to be released on bail, 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, Motihari, East Champaran/concerned Court, in connection with Complaint Case No. C-190 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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