

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74184 of 2023

Arising Out of PS. Case No.-145 Year-2022 Thana- BELA District- Sitamarhi

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MANOJ KUMAR S/O- SRI RAMSEWAK SAH @ RAMSEWAK SAH
(WARD SECRETARY-9) R/O- VILLAGE- MUJAULIYA (MUJAULIYA
BAZAR) P.S.- BELA, DIST.- SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate

For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 29-11-2023 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of Bela PS case no. 145 of 2022, disclosing offences
punishable under Sections 406, 409, 420/34 of the Indian Penal
Code.
3. The prosecution story, as per the First Information
Report lodged by the Panchayat Secretary, Gram Panchayat Raj
Bathura, District-Sitamarhi, is that an amount of Rs. 16 lac was
handed over to Ward no. 09 of the said Panchayat under the
Nal-Jal Yojana for executing the Government scheme out of the
total estimated amount of Rs. 19,87,700/-. The allegation is that
the Ward Member-cum-Chairman and Ward Secretary of Ward



Executing and Managing Committee of Ward no. 09 did not complete the work despite lapse of long period and thereby, misappropriated Government money.

4. Learned Counsel for the petitioner submits that as per the allegation made in the FIR, the petitioner being the Ward Secretary of Ward no. 9 and co-accused Jitendra Kumar being the Ward Member-cum-Chairman of Ward no. 09 have been made accused. Learned counsel submits that a petition was filed by co-accused Jitendra Kumar before the learned Additional District and Sessions Judge-2nd, Sitamarhi for bringing on record the measurement book pertaining to special scheme of Nal-Jal Yojana, from perusal of which it appears that out of total advance amount of Rs. 16 lacs, work of worth Rs. 15,24,869/- has been done. It is further submitted that on a petition being filed on behalf of co-accused calling for a report about the completion of work, the Block Panchayat Raj Officer, vide his letter dated 27.07.2023, has confirmed that the entry made in the M.B. Book is correct and true. He next submits that co-accused Jitendra Kumar was arrested and as such, he was granted regular bail by a co-ordinate Bench of this Court vide order dated 15.09.2023, passed in Cr. Misc. no. 61014 of 2023. He also submits that 78% of work of the estimated amount of Ward



no. 09 has been completed.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the entry made in the M.B. Book and the fact that co-accused has been granted bail by a co-ordinate Bench of this Court and the fact that out of advance amount of Rs. 16 lacs, work to the value of Rs. 15,24,869/- has been completed, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, 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, Sitamarhi in connection with Bela PS case no. 145 of 2022, subject to the conditions (i) laid down under Section 438 (2) of the Code of Criminal Procedure and (ii) the petitioner will cooperate in the trial.

(Anil Kumar Sinha, J)

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