

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.406 of 2023

Arising Out of PS. Case No.-78 Year-2022 Thana- SATHI District- West Champaran

1. SHOBHA DEVI S/O SRI RAMDAYAL MAHTO @ SUKHADI MAHTO
Resident of village- Noni Pakad, Ward No- 04, P.S.- Sathi, District- West
Champaran.
2. SHAMBHU SHARMA S/O SRI SAMRAJ SHARMA Resident of village-
Bahuwarwa, Ward no- 07, P.S.- Sathi, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

For the Opposite Party/s : Mr.Dilip Kumar No.1, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 24-04-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered
for the offences punishable under Sections 409, 420/34 of the
Indian Penal Code.

Allegedly, on 22.09.2021, ward nos. 4 & 7 of Panchayat
Raj, Bahuwarwa was inspected by the Enquiry Committee and it
was found that from *Khata* of W.I.M.C., a huge amount was
withdrawn by the petitioners and other co-accused persons
illegally.

It is submitted by learned counsel for the petitioners that
petitioners are quite innocent and have committed no offence.
Petitioner nos. 1 & 2 are the Chairman of Bahuwarwa Ward Nos.



4 & 7, respectively. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to dirty village politics. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. It is further submitted that the work has been completed and no any government money was defalcated by the petitioners. He further submits that none of the provisions of the alleged sections is at all applicable to the case of the petitioners. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail and submitted that there is direct allegation of fraud and misappropriation in Mukhyamantri Gramin Peyayjal Nishchay Yojana against the petitioners. He further submitted that two counter affidavits have been filed in this case, one by the District Magistrate and other by the Superintendent of the Police.

Considering the facts and circumstances of case and nature of the offence, I am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected.

However, if the petitioners surrender before the learned Court below within six weeks from today and seek regular bail,



the learned Court below shall pass order on the same day in
accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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