

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69906 of 2022

Arising Out of PS. Case No.-21 Year-2021 Thana- ANGARGHAT District- Samastipur

BIBHA DEVI @ VIBHA DEVI W/o Ram Ratan Jha R/o Village- Angarghat
Ward Np.- 02, P.S.- Angarghat, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 5347 of 2023

Arising Out of PS. Case No.-21 Year-2021 Thana- ANGARGHAT District- Samastipur

DIVAKANT JHA Son of Shobhakant Jha Resident of Village - Angar, Ward
No.- 02, P.O.- Angarghat, P.S.- Angarghat, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 69906 of 2022)

For the Petitioner/s : Mr.Jitendra Narain Sinha, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 5347 of 2023)

For the Petitioner/s : Mr.Niraj Lochan Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 05-04-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order failing which the matters be listed again under the appropriate heading for necessary action.

As both the criminal miscellaneous petitions have arisen out of same P.S. case, hence they are being taken up and



decided together.

Heard learned counsels for the petitioners and the learned APP for the State.

Petitioners seek regular bail in connection with Angarghat P.S. Case No. 21 of 2021 registered for the offences punishable under Sections 34, 406, 409 and 420 of the Indian Penal Code.

As per the prosecution, the informant alleged that an amount of Rs.16,90,400/- was allocated to Ward Implementation and Management Committee, Ward No.2 which was managed by these petitioners. Further it is alleged that these petitioners in the capacity of being President and Secretary of Gram Panchayat withdrew Rs.14 lacs from the allocated amount but till now the proposed work has not been completed and the alleged amount is said to have been embezzled by these petitioners and other co-accused persons under a conspiracy.

The main submissions advanced by the learned counsels for the petitioners are that petitioner/Bibha Devi @ Vibha Devi and petitioner /Divakant Jha have been languishing in jail since 29.06.2022 and 28.06.2022 respectively and petitioner / Bibha Devi @ Vibha Devi was president of management committee of concerned ward and petitioner /



Divakant Jha was Secretary of the said committee and as per allegation, they withdrew rupees 14 lacs in respect of the construction of pipe line and other infrastructure under Har Ghar Nal Ka Jal scheme and the allegation against them is that they misappropriated the said amount and they did not complete the construction work which was entrusted to them for which the said amount was sanctioned but it is completely wrong and in fact the petitioners had completed major part of the said construction work and in this regard, they have filed a copy of measurement book vide Annexure 2 by a supplementary affidavit which clearly shows that the part of the said construction work worth of Rs.9,77,244/- has been completed and in the present time, the family members of the petitioners have completed the entire said construction work and in this regard, Annexure 3 is also relevant showing the photograph of the said completed construction work having signatures of several villagers and against the petitioners, investigation has been completed.

Learned APP appearing for the State has opposed the bail prayer.

Having considered the submissions made above and mainly considering the custody period of the petitioners and



stage of their case, in the opinion of this Court a lenient approach can be taken in respect of the petitioners' prayer, let the petitioners be released on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Angarghat P.S. Case No. 21 of 2021.

(Shailendra Singh, J)

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