

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6627 of 2024

Arising Out of PS. Case No.-363 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

1. Md. Saddam Badshah SON OF MD. AKBAR SHAH RESIDENT OF VILLAGE- DAULATPUR, PS- ARA MUFFASIL, DIST- BHOJPUR
2. SAMSER ALAM SON OF MD. FIROJ @ MD. FIROJ KHAN RESIDENT OF VILLAGE- DAULATPUR, PS- ARA MUFFASIL, DIST- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 08-05-2024 Heard the parties.

2. The petitioners apprehend their arrest in connection with Ara Muffasil P.S. Case No. 363 of 2023 for the offence registered under Sections 409/34 of the Indian Penal Code lodged on 16.08.2023 by the informant, Subodh Kumar Srivastava.

3. As per the prosecution story, the informant, Subodh Kumar Srivastava (Block Panchayat Raj Officer -cum- Executive Officer, Panchayat Samitee, Ara Sadar) issued a letter alleging that Md. Manjar Alam has filed a complaint regarding embezzlement of Rs. 10 lakhs under ‘*Mukhyamantri Gramin Payejaal Nishchaye Yojna*’ of Yojna No. 01/2018-19 in Gram



Panchayat Daulatpur Ward NO. 10. It has been further alleged that in the light of the aforesaid complaint, measurement has been done by Technical Assistant, who found that the petitioners have received Rs. 10,00,000/- for doing work under “*Mukhyamantri Payejaal Yojna*” but the petitioners have done work to the tune of Rs. 2,91,164/- Accordingly, the FIR.

4. Learned counsel for the petitioners submit that on the frivolous consideration *inasmuch* as without assessing the amount that has been invested in the construction that took place which included the boring, the FIR has been lodged claiming that only work less than Rs. 3,00,000/- was done. He further submits that the payments were released only after the works were executed.

5. Learned APP on the other hand, submits that petitioner no. 1 is the Ex-Ward Member while the petitioner no. 2 is Ex-Ward Secretary and both connived to siphoned off the money of the State Ex-chequer and failed to execute the work for which the money was taken. The actual work done is far lesser than the amount that was taken. Thus, in that background, the case was lodged.

6. Though number of documents including measurement book is on record, the petitioners failed to



convince the Court about the actual work/certificate that the State Officials provided to him regarding the amount that was taken by them as specific case is that work has been done only of Rs. 2,36,000/-.

7. In that background, no relief can be extended and it would be appropriate that they seek bail.

8. The anticipatory bail application stands rejected.

(Rajiv Roy, J)

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