

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14164 of 2024

Arising Out of PS. Case No.-1169 Year-2021 Thana- COMPLAINT CASE District- Araria

1. Renu Devi Wife of Sri Surendra Mandal @ Surendra Kumar Bishwas Resident of Village- Kahawaspur, Ward No. 13, P.S.- Simraha, District- Araria
2. Surendra Mandal @ Surendra Kumar Bishwas Son of Late Dayanand Biswas R/o Village- Khawaspur, Ward No. 13, P.S.- Simraha, District- Araria

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Dilip Bahardar Son of Achin Bahardar Resident of Village- Kahawaspur, Ward No. 13, P.S.- Simraha, District- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bidhu Ranjan, Advocate
Mr. N . K . Agrawal , Advocate
Mr. Diksha Kumari , Advocate
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-03-2024 Heard learned counsel for the petitioners and
the State.

2. Petitioners apprehend arrest in a case registered for the offence punishable under sections 406, 409, 420, 384, 34 and 120B of the Indian Penal Code .

3. As per the prosecution case, it is alleged that on 18-06-2019 and 19-06-2019, by means of three different transactions this co-accused *Rajesh Mandal* is alleged to have withdrawn Rs. 2,65,000/- and the gave the passbook and cheque to other co-accused and, as such, he defalcated the alleged



money of the government scheme (*Saat Nischay*) for the year 2018-2019 of *Panchayat- Khawaspur*, District- *Araria* and this petitioners is said to have associated the co-accused Rajesh Mandal in the same .

4. It is submitted on behalf of the petitioners that he has falsely been implicated in this case due to political rivalry . At the relevant time, the petitioner No. 1 , *Renu Devi* was the *Mukhiya* of the aforesaid *Panchayat* and petitioner No. 2 is the husband of the *mukhiya (Renu Devi)*. There is no such allegation that the work in question was not completed. The alleged cheque book bears the signature of the complainant because at the relevant time he was a ward member of the aforesaid *Panchayat* in question , and the power to sign the check has been vested to the ward member. He further submits that the alleged account was operated by the complainant himself and he used to issue a check for the amount received by him in his account by the government, *Gram Panchayat*, for the payment of material and labour charges. As a matter of fact, if the complainant has not issued any cheques then he should have been protested before the bank in regard to the withdrawal of alleged amount. Hence , these petitioners have not withdrawn or defalcated the the aforesaid amount by any illegal means or



without the consent of the complainant, and as such, no offence as alleged is made out against them.

5. Learned counsel for the State opposes the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioners, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial magistrate 2nd Class Araria in connection with C . A Case No. 1169 of 2021 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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