

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21805 of 2024

Arising Out of PS. Case No.-304 Year-2022 Thana- BISFI District- Madhubani

REHANA KHATOON WIFE OF MOHAMMAD NIZAMUDDIN R/O-
RAGHOPUR, P.S.-BISFI BENIPATTI, DISTT.-MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mazharul Hassan

For the Opposite Party/s : Mr. Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 26-07-2024

1. Heard Mr. Mazharul Hassan learned counsel for the petitioner and Mr. Parmeshwar Mehta, learned Additional Public Prosecutor for the State.

2. Petitioner apprehends his arrest in connection with Bisfi PS (O.P.) Case No. 304/2022 dated 28.09.2022 registered for the offence punishable under Sections 406, 409, and 420 of the IPC.

3. As per prosecution case, two Government schemes, namely, Har Ghar Nal Jal Yojna were to be executed in Gram Panchayat, Raghepura, Ward No. 9, by Ward Execution and Management Committee of which the petitioner was Secretary. As per estimate of both the schemes a sum of Rs. 33,58,000/- was transferred by the concerned Gram Panchayat in the joint account of Ward Execution and Management Committee of which the Chairman and the Ward Secretary were the authorized signatories. It has been alleged that without completion of the work within the stipulated time a sum of Rs. 33,41,000/- has been withdrawn from the account by the Chairman and the Ward Secretary and upon



enquiry, it was found that the only work to the value of Rs. 18,76,440/- was executed. Accordingly, the Chairman and the Ward Secretary defalcated the Government money to the tune of Rs. 14,64,560/-.

4. Learned counsel for the petitioner submitted that the petitioner is quite innocent and has not committed any offence. The petitioner has no criminal antecedent. The petitioner has been falsely implicated in this case at the instance of her enemies and also due to Panchayat party politics. The allegation against the petitioner is false and concocted. No occurrence as alleged by the prosecution did ever takes place. The petitioner has not defalcated any government money, rather after being selected as the Sachiv of Ward Kriyanvayan and Prabandhan Samiti in the month of Oct, 2020. She gave the cheques of only Rs.5,00,000/- in the names of Jai Maa Udyog and Sri Ram Charitra Construction and for the amount issued by her already work has been completed. Since before the month of Oct, 2020, the petitioner was not the Sachiv rather one Saziya Khatoon was the then Sachiv.

5. I have heard learned counsel for the parties.

6. Upon perusal of the FIR, it is evident that against the total amount given to the concerned Ward of which the petitioner was the Secretary, the work to the value of Rs. 18,76,440/- was only completed but the petitioner being the signatory of the bank



account of the Ward Execution and Management Committee, admittedly, withdrawn the excess amount to the tune of Rs. 14,64,560/-. As such, prima facie, it appears from the record that the Government amount of Rs. 14,64,560/- meant for public scheme has been squandered and defalcated by the petitioner in connivance with other accused persons. However, from the letter of B.D.O., Bisfi, Madhubani dated 15.09.2022 which is a part of FIR, it appears that the present FIR has been lodged against the petitioner and others after enquiry by the Technical Assistant and Accountant-cum-IT Assistant and further upon perusal of the FIR, it further appears that the FIR has been lodged against the petitioner and others under the direction of the District Magistrate.

7. In the aforesaid backdrop, I am not inclined to grant anticipatory bail to the petitioner. The same is, hereby, dismissed.

(Anil Kumar Sinha, J)

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