

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28228 of 2024

Arising Out of PS. Case No.-63 Year-2022 Thana- PUNAURA District- Sitamarhi

Shailendra Mishra Son of Late Bindeshwari Prasad Mishra Resident of
Village- Kochar, P.O.- Fulkaha, P.S.- Kanhauli, Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritesh Singh

For the Opposite Party/s : Mr. Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 18-09-2024 1. Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Punaura Police Station Case No. 63 of 2022, disclosing offences under Sections 409, 420, 34 of the Indian Penal Code.

3. As per the prosecution case, it is alleged that informant was elected Mukhiya of Khairwa Panchayat and during her tenure Shailendra Mishra (petitioner) was Panchayat Secretary. After discharge from the post of informant Shailendra Mishra was in-charge of the Panchayat Office and all the documents including the cheque book were in his custody. For the last few months, the Panchayat Secretary used to accompany his son Anupam Anand on the ground of his illness. It has further been alleged that when Shailendra Mishra has to hand over his charge to Ramchandra Singh, Panchayat Secretary, then in that course, it is, revealed that cheque no. 000033 dated 04.02.2021 of Rs. 3,50,000/-, cheque no. 000038 dated 17.05.2021 of Rs.



4,52,000/-has been transferred in the name of Saroj, Cheque No. 000040 dated 11.08.2021 of Rs. 13,48,078/- and cheque no. 000041 dated 15.06.2021 of Rs. 13,00,000/- has been sent in the account of Ganga Traders. All these cheques are of Bank of Baroda, Rajendra Bhawan, Sitamarhi Branch. It has further been alleged that on all the above cheques informant's forged signature has been made by Shailendra Mishra and his son Anupam Anand. Every cheque was being issued by the joint signature of Secretary and the informant (the then Mukhiya) and there is not any description in the record of Gram Panchayat regarding issuance of the aforesaid cheque/amount in favour of Sri Ganga Traders and Saroj. Informant has lastly, claimed that Secretary/Shailendra Mishra and his son Anupam Anand has forged her signature and without permission of the informant and the Committee, the above amount has been misappropriated through cheques in which there is involvement of Sri Ganga Traders and Saroj.

4. Learned Counsel for the petitioner submits that only for the reason to save her skin, the informant has lodged the present case against the petitioner and his son namely Anupam Anand. He next submits that at the relevant point of time, petitioner was Panchayat Secretary of Khairwa Panchayat in the district of Sitamarhi and for construction of P.C.C. road and



drainage system, etc., the materials had been purchased from Saroj and Sri Ganga Traders and for the same reason, the aforesaid cheques were issued under joint signatures of the informant and the petitioner and after verifying the signatures from the bank, the aforesaid amount was transferred in the account of Saroj Kumar and M/s. Ganga Traders. He next submits that petitioner has neither put the false signature of the informant on the cheques nor he has defalcated any amount.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of offence and allegation against the petitioner in the FIR of defalcation of huge amount of Rs. 3,45,0078/- of government money and the fact that in Punaura P.S. Case No. 150/22 lodged by Block Panchayat Raj Officer for defalcation of the said amount, petitioner has also been made an accused, I am not inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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