

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39844 of 2024

Arising Out of PS. Case No.-62 Year-2023 Thana- PAWANA District- Bhojpur

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1. Anju Devi, Wife of Hare Ram Singh Yadav @ Hare Ram Singh,
 2. Mithilesh Kumar, Son of Sitaram Singh,
Both resident of Village-Bhagwanpur, P.S.- Pawna, Distt-Bhojpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Ghosarvey, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR

and apprehending their arrest in connection with Pawana

P.S. Case No.62 of 2023 registered under Sections 406,

409, 420 and 120-B of the Indian Penal Code.

3. Allegation against the petitioners is to defalcate

the amount as received for execution of 'Wal Jal Yojna' ,

where petitioner no.1 is elected Ward Member and petitioner

no.2 is Ward Secretary.

4. It is submitted by learned counsel that

petitioners have been implicated falsely with present case



out of political disputes and differences. It is submitted that no specified amount was handed over to the petitioners to execute the '*Nal Jal Yojna*'. It is submitted that a certificate proceeding was also initiated against the petitioners. While concluding argument, learned counsel appearing for the petitioners submitted that the operation of bank account is not possible without having joint signature and moreover the allegation is appearing very much general and omnibus in nature. It is further submitted that similarly situated co-accused, namely, Indal Sharma and Rinku Devi have been granted anticipatory bail by this Court vide order dated 05.03.2024 passed in Cr. Misc. No.79532 of 2023. Both petitioners are men of clean antecedents.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submissions, as *prima facie* amount in issue alleged to be defalcated appears vague, where petitioner no.1 is a lady and petitioner no.2 is a man of clean antecedent, accordingly, both above-named, petitioners are directed to be released on bail, in the event of their arrest or surrender in the court below within a period



of four weeks, on furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand) each with two sureties of the like
amount each to the satisfaction of the learned Judicial
Magistrate-1st Class, Bhojpur, Arrah/concerned court in
connection with Pawna P.S. Case No.62 of 2023, subject to
the conditions as laid down under Section 438(2) of the
CrPC.

(Chandra Shekhar Jha, J.)

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