

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43611 of 2024

Arising Out of PS. Case No.-393 Year-2022 Thana- BIBHUTIPUR District- Samastipur

Sanjeet Kumar Sharma Son Of Bijli Sharma Village- Shahpur, Panchayat -
Bhuswar Ward -13, P.S.- Bibhutipur, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 23-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Bibhutipur P.S. Case No. 393 of 2022 dated 12-10-2022,
instituted for the offence punishable under Sections 409 and 420
of the Indian Penal Code.

3. The prosecution case, in short, is that the then Ward
Member, namely, Laxmi Ram and Ward Secretary, namely Lalit
Kumar Sharma of Ward No. 11 and the then Ward Member,
namely, Gayatri Devi and Ward Secretary, namely Sanjit Kumar
Sharma (petitioner) of Ward No. 13, under Panchayat Bhushwar
have made allegation against the then Mukhiya, namely, Manoj
Kumar of receiving an amount of Rs. 2,00,000/- (Two Lacs) for
ward No. 11 and Rs. 4,00,000/- (Four Lacs) for Ward No. 13



through cheque for constructing the road in the concerned Ward under C.M. Village *Gali Nali Pakikaran Yojana* (for short 'the Yojana'), but the said work has not been completed and local technical Assistant Bibhutipur, also submitted inquiry report dated 07-04-2022 stating that said work has not been completed which goes to show that the accused persons misappropriated the alleged amount.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that petitioner is the Secretary of the said Panchayat, wherein, an amount of Rs. 4,00,000/- (Four Lacs) is said to have been misappropriated in the name of *Yojana*. The Secretary and Ward member of Ward No. 13 themselves made a complaint against *Mukhiya* of the *Gram Panchayat*, who received an amount of Rs. 4,00,000/- (Four Lacs) through cheque to complete the work on 25-01-2021 (Annexure-2), but he has not completed the work. It is also submitted that from bare perusal of the FIR, it is evident that the local Technical Assistant Bibhutipur, inquired the matter and submitted its report dated 07-04-2022, which is part of the FIR, which reveals that *Mukhiya* of concerned *Gram Panchayat* received Rs. 4,00,000/- (Four Lacs) for completing the work for Ward No.



13, but the work has not been completed, and as such, there is no fault on the part of the petitioner. The petitioner has no role in utilizing the said amount which was handed over to the said *Mukhiya*. It is further submits that co-accused Ward Member, namely, Gayatri Devi has already been granted anticipatory bail by this Court *vide* order dated 07.08.2024 passed in Cr. Misc. No. 45641 of 2024. Lastly, it has been submitted that the petitioner is in custody since 14.03.2024, having no criminal antecedent and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Rosera, Dist. Samastipur, in connection with Bibhutipur P.S. Case No. 393 of 2022, corresponding to G.R. No. 1172 of 2022.

(Khatim Reza, J)

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