

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45641 of 2024

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

Gayatri Devi W/O Shatrudhan Sah R/O Village- Shahpur Panchayat,
Bhushwar, Ward No.-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

2 07-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest 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 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 (petitioner) and Ward Secretary, namely
Sanjit Kumar 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 enquiry 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 she has been falsely implicated in this case. It is submitted that petitioner is the Ward Member of Ward No. 13 wherein, an amount of Rs. 4,00,000/- (Four Lacs) is said to have been misappropriated in the name of *Yojana* and petitioner and Ward Secretary of said Ward themselves made complain 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, inquire the matter and submitted his report dated 07-04-2022, which is part of the FIR, which goes to show 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*. Lastly, it has been submitted that petitioner has no criminal antecedents.

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, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Bibhutipur P.S. Case No. 393 of 2022, corresponding to G.R. No. 1172 of 2022 he shall be released on anticipatory 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 SDJM Rosera, Dist. Samastipur, subject to condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Khatim Reza, J)

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