

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57906 of 2024

Arising Out of PS. Case No.-190 Year-2016 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Wakil Akhtar Son of Shaikh Ashamohamad R/o Village- Gad Bahuari, P.S.- Palanwa, District- East Champaran. The then Panchayat Sachiev, Gram Panchayat Raj- Champapur, East Champaran

... .. Petitioner

Versus

1. The State of Bihar
2. Suresh Ram Son of Mishri Ram Ex-ward member, R/o Village- Champapur, P.S.- Rangarwa, District- East Champaran.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Arbind Kumar Pandey. APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-09-2024 Heard learned counsel for the petitioner and learned

APP for the State.

2. The accused-petitioner, named in the complaint case, is apprehending his arrest in connection with Trial No. 1756/2023 arising out of Complaint Case No. C-190 of 2016 registered for the offences punishable under Sections 120-B, 409, 420, 467, 468, 34 of the Indian Penal Code and Section 13 of Prevention of Corruption Act. He has one criminal antecedent as stated in paragraph '3' of the application, in which he is on bail.

3. The allegation against the petitioner being Secretary is to defalcate an amount total of Rs. 1,04,31,100/- (One



Crore Four Lakhs Thirty One Thousand One Hundred) for the period of 2011 to 2015 which were alleged for different schemes under MGNREGA Yojana.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner implicated falsely in this case as admittedly, petitioner as Secretary who is not authorized to withdraw any amount under the schemes from the bank. It is submitted that it is B.D.O and B.P.O, who jointly authorized to withdraw money from government account related to this scheme. It is further submitted that present complaint case was filed in the year 2016. It is submitted that actually complainant of this case who is elected ward member misappropriated the government money allotted for different development works of the area and when the Block Programme Officer (B.P.O.) lodged a case against him, the complainant just to make things complex lodged present case without having any cogent materials. Learned counsel submitted that similarly situated co-accused Manzoor Miyan was granted privilege of anticipatory bail by this court through Cr. Misc. NO. 68543/2022 dated 26.04.2023. While concluding the argument, it is submitted that petitioner found



involved in one criminal case, where he is on bail.

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

6. In view of the aforesaid factual submissions and by taking note of the fact as petitioner not appears to be authorized person to operate bank account, let above-named petitioner, in the event of his arrest or surrender before the court below within a period of four weeks from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Raxaul at Motihari, East Champaran/concerned court in connection with Trial No. 1756/2023 arising out of Complaint Case No. C-190 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C/Section 482(2) of the Bhartiya Nyaya Suraksha Sanhita (in short "B.N.S.S.").

(Chandra Shekhar Jha, J)

Rajeev/-

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