

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58097 of 2024

Arising Out of PS. Case No.-173 Year-2022 Thana- KHUTAUNA District- Madhubani

1. Anar Devi Wife of Kanhaiya Mandal Resident of Village -Durgipatti ,P.S. - Khutauna , District - Madhubani (Ward Member Cum Chairman, Durgipatti Ward No.15)
2. Ram Naresh Suman Son of Mahendra Mandal Resident of Village -Durgipatti ,P.S. - Khutauna , District - Madhubani (Ward Sachiv of Durgipatti Ward No.15)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Vinod Kumar, Advocate Mr. Rajesh Kumar, Advocate Mr. Udeshya Kumar Yadav, Advocate
For the Opposite Party/s	:	Mr. Abhay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-09-2024 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 409, 420/34 of the Indian Penal Code.

3. As per prosecution case, these petitioners along with other F.I.R. named accused persons are alleged to have misappropriated Government fund which was allocated under Nal Jal Yojana.

4. Learned counsel for the petitioners submits that at the relevant time of occurrence, petitioner No. 1 was Ward



Member-cum-Chairman of Ward No. 15, Durgapatti and petitioner No. 2 was Ward Sachiv of Ward No. 15, Durgapatti. It is further submitted that petitioners have not defalcated the Government money rather at the time of institution of F.I.R., work related to the said scheme was incomplete but later on, entire work has been completed and to that effect a certificate has also been issued by Panchayat Sachiv of the Gram Panchayat, Durgapatti *vide* Letter No. 5 dated 01.03.2023 (Annexure-2). Petitioners claim clean antecedent.

5. Considering the aforesaid facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioners in the event of their arrest/surrender before the court below within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Jhanjharpur, Madhubani in connection with Khutauna P. S. Case No. 173 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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