

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73608 of 2023

Arising Out of PS. Case No.-403 Year-2021 Thana- DAUDNAGAR District- Aurangabad

1. PINKI KUMARI D/O KAMLESH CHANDRABANSHI R/O VILLAGE- FADARPUR, WARD-09, P.S- DAUDNAGAR, DISTT.- AURANGABAD, BIHAR.
2. MUNGESHWAR CHANDRABANSHI S/O LATE DUKHAN CHANDRABANSHI R/O VILLAGE- FADARPUR, WARD-09, P.S- DAUDNAGAR, DISTT.- AURANGABAD, BIHAR.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dwij Raj

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 05-03-2024

1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Daudnagar P.S. Case No. 403 of 2021 dated 15.07.2021 registered for the offence under Sections 406 / 407 / 408 / 409 / 420 of the I.P.C.

3. As per the allegation made in the F.I.R. for execution of Government scheme under Nal Jal Yojna, a sum of Rs. 9,50,000/- was withdrawn by the Ward Execution and Management Committee of Ward No. 9 but work regarding water connection and supply of water has not been completed. As per technical report only work to the extent of Rs. 5,10,698/- has been done and the rest amount has been defalcated by the Ward Secretary, Ward Chairman and Ward



Member of the Ward No. 9. The petitioners are the Ward Secretary and Ward Chairman of the Ward Execution and Management Committee.

4. Learned counsel for the petitioners submits that petitioners have not committed any offence in the manner alleged. The money withdrawn for execution of the work was handed over to the contractor namely Santosh Kumar of the Aadarsh Enterprises but he fled away without completing the work. The allegation is of civil nature and is mainly a breach of contract.

5. Regard being had to the submission made by the parties, taking into consideration the fact that execution of Government scheme under Mukhyamantri Nal Jal Yojna is the responsibility of the Ward Execution and Management Committee and petitioners are the Secretary and Chairman of the Ward Execution and Management Committee and the allegation is of defalcation of Government money, accordingly, I am not inclined to grant anticipatory bail to the petitioners.

6. The prayer for grant of anticipatory bail is rejected.

(Anil Kumar Sinha, J)

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