

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70402 of 2024

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

Lalit Kumar Sharma S/o Baidyanath Sharma @ Baidhyanath Sharma R/o
Village- Shahpur Bhuswar, Ward 11 P.S.- Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 27-09-2024 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, is that the then Ward Member, namely, Laxmi Ram and Ward Secretary, namely, Lalit Kumar Sharma (the petitioner) of Ward No. 11 and the then Ward Member, namely, Gayatri Devi and Ward Secretary, namely, Sanjit Kumar Sharma 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 submitted inquiry report dated 07-04-2022 stating that said work has not been completed which goes to show that the accused persons have 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 Ward Secretary of the Ward No. 11 and an amount of Rs. 4,00,000/- (Four Lacs) is said to have been misappropriated in the name of *Yojana*. The Ward Secretary (the petitioner) and Ward member of Ward No. 13 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 of the panchayat enquired 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. 11, 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 submitted that co-accused i.e. Secretary of the *panchayat*, namely, Sanjeet Kumar Sharma has already been granted bail by this Court *vide* Criminal Miscellaneous No. 43611 of 2024 and another co-accused, namely, Gayatri Devi, Ward Member of the said *panchayat* has been granted anticipatory bail *vide* Criminal Miscellaneous No. 45641 of 2024. Lastly, it is submitted that petitioner has no criminal antecedent.

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, 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 S.D.J.M., Rosera, District-Samastipur, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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