

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70547 of 2024

Arising Out of PS. Case No.-119 Year-2021 Thana- HASPURA District- Aurangabad

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Shailesh Kumar S/O Late Surendra Ram R/O Village- Barauli Chak Amjhar
P.S. Haspura, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Advocate
For the State : Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 27-09-2024 Heard Mr. Bindeshwar Prasad Singh, learned

counsel for the Petitioner and Mr. Parmeshwar Mehta, learned

APP for the State.

2. The petitioner apprehends his arrest in connection
with Haspura P.S. Case No. 119 of 2021 dated 05.07.2021
registered for the offences punishable under Sections 406, 407,
408, 409 and 420 of the Indian Penal Code.

3. Learned counsel appearing for the petitioner
submits that on the basis of letter no. 943 dated 16.04.2021 and
letter no. 853 dated 17.06.2021, issued by District Panchayti Raj
Officer, Aurangabad and Block Development Officer, Haspura
respectively, the in-charge Panchayat Raj Officer, Haspura, has
given a written statement to S.I. of Haspura police station to



lodge an FIR against this petitioner and two other co-accused persons alleging that they have withdrawn a total of Rs.1,60,000/- without the completion of work relating to *Nal Jal Yojana* but the said amount has not been withdrawn only by this petitioner rather has been jointly withdrawn by the chairman and secretary of ward no. 7 of Amjhar Sharif *Panchayat*. Learned counsel further submits that as per the FIR, this petitioner and two co-accused persons withdrew a total of Rs. 1,60,000/- which was sanctioned under the scheme of *Nal Jal Yojana* and the same was misappropriated by this petitioner and co-accused persons but the said allegation is completely false and the FIR goes to show that the allegation has been levelled mainly on account of withdrawing the alleged said amount but the petitioner was neither given an opportunity to explain the alleged act nor any inquiry was conducted with regard to the said allegation and in actual, the petitioner and other co-accused persons have completed the government work as per the scheme and in this regard, the *Mukhiya* of the concerned *Panchayat* has given a certificate to this effect that water supply under *Nal Jal Yojana* is being made regularly in the concerned ward no. 7 and in this regard, Annexure-2 is relevant and the same is sufficient to falsify the allegation



levelled against this petitioner. It is further submitted that one co-accused, namely, Rubiya Devi has been granted regular bail by this Bench vide order dated 22.05.2023 passed in Cr. Misc. No. 20735 of 2023.

4. Learned APP for the State has opposed the prayer for bail of the petitioner.

5. Having considered the above submissions and mainly taking into account the petitioner's plea that the alleged construction work relating to *Nal Jal Yojana* scheme for which the alleged amount of Rs. 60,000/- was allegedly withdrawn by this petitioner and Rubiya Devi, the then chairman of ward no.7 of Amjhar Sharif Gram *Panchayat*, has been completed and in this regard, Annexure-2 is relevant and the said plea has not been refuted by the learned APP also, coupled with the petitioner's fair and clean antecedent and the privilege of bail having been granted to the co-accused Rubiya Devi by this Bench, this Court is inclined to accept the prayer for anticipatory bail of the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the Court concerned in connection with Haspura P.S. Case No. 119 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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