

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82702 of 2024

Arising Out of PS. Case No.-48 Year-2010 Thana- KONCH District- Gaya

Anil Kumar S/o- Jai Ram Sharma Resident of R.No-1, Last East Corner, Near
Faujdar, Rai mandir marg Indra Nagar, Ps- Sampatchak Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Nivedita Nirvikar, Sr. Adv. Mr. Amarshakti Mrs. Asmita Bharti
For the Opposite Party/s	:	Mr. Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 17-12-2024 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Konch Police Station Case No. 48 of 2010, dated 23.05.2010, disclosing offences under Sections 409/420/467/468/471/120B of the Indian Penal Code.
3. As per the prosecution case the complaint -cum- First Information Report has been lodged, stating therein, that under the scheme of 2008-09, bearing Scheme No. 6, 7 and 8, hand-pump was to be fixed near the house of Suresh Paswan and Ramanand Yadav for a cost of Rs. 10,600/- each and a road was to be constructed in Nighai Harizan Tola for a total cost of Rs. 99,800/-. The petitioner, being the Secretary of the Gram Panchayat Gauharpur, in conspiracy with co-accused persons



withdrew the amount and only completed the scheme on paper and actual work was not completed on ground and thereafter, misappropriated the entire amount without any work.

4. Learned senior counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to political rivalry inasmuch as the complainant Devendra Kumar lodged the Complaint Case No. 822 of 2010 against the then Mukhiya of the Gram Panchayat, namely, Suryamani Devi and others since earlier the husband of the accused no. 1 Suryamani Devi was Mukhiya of the Gram Panchayat Gauharpur and he appointed the complainant's wife as Aanganwadi Worker and when the co-accused no. 1 became Mukhiya the complainant wanted certain scheme to be given in favour of her wife, which was not fulfilled, consequently, the frivolous complaint has been lodged. Referring to the report of Junior Engineer as well as the report of Senior Additional District Magistrate, Gaya, and Secretary of the Commissioner, learned senior counsel submits that the work of the scheme has appropriately been executed by the petitioner and the only difference is that instead of



selected place, the hand-pumps were fixed in another place after obtaining the approval of the Aam Sabha and the road was also constructed on a different place. It is not the fact that the petitioner and other accused persons did not execute the work of the scheme no. 6, 7 and 8. In addition to her arguments, she pointed out the relevant portion of the report of aforesaid officials annexed at Annexure-2,3 and 4. Regarding the delay in seeking anticipatory bail, learned senior counsel submits that the petitioner was not aware about the complaint case, which was converted into First Information Report under Section 156 (3) of the Code of Criminal Procedure lodged by the complainant and when the police started searching the petitioner, he came to know about this case and as a result filed the anticipatory bail before the Additional Sessions Judge XVIII, Gaya. Referring to the impugned order, learned senior counsel submits that the investigation in the present case is still going on and the petitioner has apprehension of arrest.

5. Learned counsel for the State submits that during the course of enquiry one Suresh Paswan, Smt. Subhri Devi, Sh. Ravindra Paswan and Sh. Ramanand Paswan have



said that Mukhiya has not fixed the hand-pumps.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the materials available on records and the report submitted by the various officials, including the Senior Additional District Magistrate, that work was completed by the petitioner and other accused persons, but not on the place which was selected under the scheme, I am inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released 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 learned Additional Chief Judicial Magistrate VIII, Gaya, in connection with Konch Police Station Case No. 48 of 2010, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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