

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84953 of 2023

Arising Out of PS. Case No.-89 Year-2020 Thana- MEHSI District- East Champaran

=====

Rani Devi Wife of Madan Prasad Yadav @ Madan Yadav, Resident Of
Village- Mahamaddo, Police Station- Mehshi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 07-03-2024 Heard Mr. Sanjay Kumar Tiwari, learned counsel

appearing on behalf of the petitioner and Mr. Jitendra Kumar

Singh, learned APP for the State.

2. Petitioner seeks pre-arrest bail in connection with

Mehsi P.S.Case No.89 of 2020, G.R.No.2129 of 2022, registered

for the offences punishable under Sections 406, 409 and 420/34

of the Indian Penal Code .

3. Prosecution story in brief is that the petitioner along

with the other co-accused persons illegally withdrawn a sum of

Rs.38,03,500/- of Parsauni Devajit Panchayat from the Bihar

Regional Gramin Bank Account No.1001881030080539

through cheque in connivance with the accused named in the

FIR.

4. Mr. Sanjay Kumar Tiwari, learned counsel



appearing on behalf of the petitioner submitted that no misappropriation of the public fund has been done by the petitioner, who is the Mukhiya of the concerned Gram Panchayat. Learned counsel further submitted that the role of Mukhiya is only to pass the Yojna in Aam Sabha and the work has to be executed by the Ward Implementation Committee. So far as the complicity of the petitioner is concerned, he being Mukhiya has to sign the cheque but has no role in either to purchase the materiel or to execute the work. He further submitted that as per the certificate granted by the Branch Manager of the concerned bank where the Account of the Panchayat is existing, he has reported that the entire amount, as alleged in the FIR by the Block Development Officer, has already been credited into the account of the Panchayat. Learned counsel in these backgrounds has submitted that it is the Block Development Officer, who vested with *mala fide* intention in colourable exercise of power, has lodged the FIR against the petitioner. Petitioner has clean antecedent and he may be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having considered the rival submissions made on



behalf of the parties, as well as, the petitioner has only to sign the cheque and there is no role of the petitioner either to purchase the material or execute the work and the entire amount has been credited into the account of the Panchayat, the petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Motihari/concerned court, in connection with Mehsi P.S. Case No.89 of 2020, GR.No.2129 of 2022, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

7. The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

chn/-

U			
---	--	--	--

