

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 1203 of 2024

Arising Out of PS. Case No.-78 Year-2021 Thana- RAGHOPUR District- Supaul

Rajendra Prasad Sah Son Of Late Chhutaharu Sah Resident of village-
Dumari ward no 9, Achalpur P.S.- Raghopur district- Supaul.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patla Kumari, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-01-2024 Heard Mr. Patla Kumari, learned counsel appearing
on behalf of the petitioner and Mr. Parmeshwar Mehta, learned
APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Raghopur P.S. Case No.78 of 2021 registered under
Sections 409 and 420 of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioner
and the other named accused persons have deliberately not
provided documents for verification of alleged misappropriated
amount of Rs.16,81,000/- and Rs.6,16,000/- respectively, which
was to be utilized for implementation of the ‘Chief Minister
Rural Nali Gali Pakkikaran Nischay Yojana’. Petitioner is the
secretory of the ward and a specific allegation against him is
that he is the one who has not provided documents for

verification.

4. Learned counsel appearing on behalf of the petitioner submits that for the entire amount, as alleged in the FIR, it has been admitted by the Block Development officer that the work assigned was completed. Learned counsel further submits that it is the Block Development officer, who has played fraud with the government. He further submits that the petitioner, being secretary of the ward, at the relevant period had already paid the entire amount spent in execution of work. He also submits that the Chairman of the said scheme has already been released on pre-arrest bail passed vide order dated 18.12.2023 in Cr. Misc. No.76507 of 2023.

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

6. Considering the fact that the large scale misappropriation can not take place without connivance of the government officials. The Petitioner is the elected member. The record reveals that the concerned Block Development officer has sent a report in respect of completion of work. The Court below is directed to call for the report from the B.D.O. concerned and in case it is admitted that the work has already been executed and completed, release the petitioner on

anticipatory bail, in the event of his arrest or surrender 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 Additional Chief Judicial Magistrate- I, Birpur in connection with Complaint Case No.78 of 2021, subject to the condition 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 as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J.)

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