

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8608 of 2024

Arising Out of PS. Case No.-368 Year-2022 Thana- BASANTPUR District- Siwan

1. Gudiya Devi Wife Of Shri Brij Kishore Verma Village -Usari, Ps- Basantpur, District- Siwan
2. Suresh Thakur Son Of Late Bipat Thakur Village -Usari, Ps- Basantpur, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yashraj Bardhan

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 07-03-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Basantpur P.S Case No. 368/2022 dated 04.08.2022 registered for the offences punishable u/ss 406 and 409 of the Indian Penal Code.

3. As per the prosecution case, the informant has alleged that Gram Panchayat Raj Kanhauli allotted Rs. 13,41,810 as estimated amount to the Ward implementation and management committee, Ward No. 2 for the work under Mukhyamantri Gramin Peyjal Nischay Yojana but this committee has done only works of boring, stature, RCC and



some pipelines and the remaining works were not completed despite repeated oral and written notices of the said Panchayat. The technical assistant prepared the Measurement Book for Rs. 5,87,000 and Rs. 5,00,000 was given to the contractor, Rajesh Kumar for material through different cheques but the work was neither completed nor the materials were supplied. Further the contractor was not found at his home and he could not be contacted on phone. Accordingly the F.I.R. has been lodged against the petitioners for embezzlement of government money.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioners have no criminal antecedent as stated in para 3 of the bail petition. The petitioner no. 1 is a lady. Learned counsel has submitted that no case u/s 406 and 409 are made out against the petitioners since they have not committed criminal breach of trust as alleged in the FIR. It is further submitted that the petitioner Gudiya Devi released amount through cheque for Rs. 13 lacs 30 thousands to the contractor, Rajesh Kumar Verma as stated in Para 8 of the bail petition.

5. Learned A.P.P. for the State has vehemently



opposed the prayer of anticipatory bail of the petitioners by submitting that there is specific allegation against the petitioners of embezzling the Government money. It is further submitted that the petitioner no. 1 is the President and the petitioner No. 2 is the Secretary of the said Management Committee. It is further submitted that the petitioner, Gudiya Devi paid Rs. 13 lacs 30 thousand to the contractor, Rajesh Kumar Verma without MB (Measurement Book) and without completion of the said work with a view to usurp the government money in with the then secretary, Suresh Thakur (petitioner no. 2) and the contractor, Rajesh Kumar Verma. However, Rs. 7 lacs were paid to Rajesh Kumar Verma through cheques from 24.10.2019 to 24.02.2020 as per Annexure-2 (Statement of Account) filed on behalf of the petitioners. It is further submitted that the petitioner Gudiya Devi is responsible for getting the work done and she has not got the work completed. The petitioner No. 2, Suresh Thakur is authorized to make payment after MB (Management Book) of the said work with the joint signature of the petitioners, namely, Gudiya Devia and Suresh Thakur.

6. Considering the aforesaid facts and circumstances of the case as well as the gravity of offence against the



petitioners as submission made by Learned counsel for the petitioners, I am of the view that no case for grant of anticipatory bail is made out. The petition is rejected and the petitioner is directed to surrender to the Court below within eight weeks from the date of this order and the Court below will consider the prayer of the bail of the petitioner as accordance with law and on its merits without being prejudice by this order.

7. This application stands rejected.

(Chandra Prakash Singh, J)

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