

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16556 of 2025

Arising Out of PS. Case No.-42 Year-2017 Thana- ASHTHAWAN District- Nalanda

1. Smt. Niharika Kumari Wife of Kamala Kant Sinha Resident of village- Andi, Ps- Asthawan, Dist- Nalanda
2. Balmiki Singh @ Balmiki Prasad Son of Late Jago Singh village- Laranpur, Ps- Islampur, Dist- Nalanda
3. Kaushalandra Prasad Singh son of Late Dwarika Ram Resident of village- Andi, Ps- Asthawan, Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Siya Ram Shahi Mr. Rabindra Prasad Singh
For the Informant		Mr. Dineshwar Mishra Ms. Ruchi Arya
For the State	:	Md. Aslam Ansari

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

8 12-08-2025 Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State and learned counsel for the informant.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 409, 403, 420, 467, 468, 471, 120B of the Indian Penal Code.

3. The allegation in the first information report is that the then Block Agriculture Officer in collusion with the Block Development Officer, Panchayat Sevak, Revenue Clerk and Mukhiya of the Panchayat distributed the compensation



amongst the farmers, who were not the actual beneficiaries and as a result several persons, who were entitled for compensation, were not paid the amount of compensation, including the informant. The matter arises out of a complaint case filed by the complainant/informant making allegations in payment of compensation of public money.

4. Learned counsel for the petitioners submits that the petitioners are the then Mukhiya, the Panchayat Secretary and a farmer. It has been submitted that the entire case rests mainly on suspicion and no substantive or concrete evidence has transpired against the petitioners in the entire exhaustive investigation till date. Learned counsel for the petitioners invites the attention of this Court to paragraph-24 of the case diary and a perusal of the same would show that there are different stages in which the list of beneficiaries is prepared and there is a role of the entire recommending committee in the entire process. It also transpires from paragraph-24 of the case diary that prima facie, the case has not been found true against the present petitioners and other 23 accused persons. Subsequent investigation, which is in the form of a supervision of the entire case, recorded in paragraph-213 of the case diary also shows that the entire case is based on documentary evidence which is not properly arranged and



collected and the case has been found true against only three accused persons namely, Santosh, Shiv Balak and Ram Chandra Prasad and the investigation remained pending against the rest 23 accused persons including the present petitioners and till date, some more details are being sought for to ascertain as to how much land has been actually misappropriated. Further, the petitioners are all senior citizens of more than 60 years of age having no criminal antecedent and are also not likely to abscond or tamper with the evidence.

5. Learned APP for the State and learned counsel for the informant have opposed the application for anticipatory bail on the ground that grave irregularities have been committed in the process of distribution of compensation amount to the beneficiaries and the petitioners holding position of responsibility are responsible for the same. It has also been pointed out that there is a huge delay in approaching the Court for grant of anticipatory bail. In response to the same, it has been submitted that since the investigation had disclosed no prima facie case against the petitioners and till date the facts remain hazy, the petitioners were not apprehending their arrest and hence, they did not approach the courts earlier.

6. Considering the rival contentions, this Court



finds that no substantial or concrete evidence has been collected during the course of investigation and the entire case is based upon documents and considering the fact that the petitioners are all senior citizens with no criminal antecedents, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on 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 learned court below where the case is pending/successor court in connection with Asthawan P.S. Case No. 42 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S., subject to the further condition that the petitioners would cooperate with the investigation and would make themselves available before the Investigating Agency as and when required and in case there is any non-cooperation on their part in the process of investigation or subsequent trial, the prosecution would be at liberty to file an application for cancellation of the bail bonds.

(Soni Shrivastava, J)

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