

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17760 of 2025

Arising Out of PS. Case No.-392 Year-2023 Thana- GAIGHAT District- Muzaffarpur

1. Ramdulari Devi, W/o Shivchandra Sah, R/o Village- Jaata Dih, P.S- Gaighat, District- Mizaffarpur
2. Sunil Kumar @ Sunil Sah, S/o Muneshwar Sah, R/o Village- Jaata Dih, P.S- Gaighat, District- Mizaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Jha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 14-05-2025 Heard learned Advocate appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Gaighat P.S. Case No. 392 of 2023, registered for the offences punishable under Sections 409, 420 and 34 of the Indian Penal Code.

3. Based upon the written report the prosecution alleges that the petitioners being Ward Member and Ward Secretary of Ward No. 9 have been authorized to execute the work under the Chief Minister's 7th Resolution Plan, but the petitioners did not get the work completed and during the



inspection several irregularities were found, leading to institution of the FIR.

4. Learned Advocate appearing on behalf of the petitioners contended that the FIR is not based upon the technical report, inasmuch as, the work was found to be completed and in fact out of Rs. 17,76,060/- which was credited to the account of Panchayat Samiti, Rs. 16,75,200/- was withdrawn after proper verification of measurement book and the rest amount is lying in the bank account. It is the contention of the petitioners that since there was no land available in the Ward, hence the petitioner no. 2 has offered his own land and thereafter water tank was constructed over it. It is further contended that faced with the identical complaint, the Ward Member and Ward Secretary of Ward No. 5 have moved before this Court in Criminal Miscellaneous No. 19166 of 2025 and a Bench of this Court taking note of the aforesaid fact has accorded the privilege of anticipatory bail vide order dated 23.04.2025, the copy of which has been placed on record. The petitioners bear fair antecedent.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on



behalf of the parties and considering the materials available on record, specially the measurement book and the material which suggest that the water tank has been constructed, apart from the case of the petitioners, based on parity, let the petitioners above named be released on bail, in the event of their arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Muzaffarpur (East) in connection with Gaighat P.S. Case No. 392 of 2023, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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