

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33989 of 2025

Arising Out of PS. Case No.-77 Year-2024 Thana- BANGAWON District- Saharsa

1. Soni Devi W/o Dip Narayan Thakur @ Dipak Kumar Thakur R/o village-Chainpur P.S.- Bangaon District-Saharsa. The then Mukhiya Gram Panchayat Chainpur P.S.-Bangaon, District-Saharsa.
2. Raj Kumar Ranjan Son of Kamleshwari Yadav Resident of village- Maharas, ward no. 02, Ps- Bangaon, Dist- Saharsa, The then Panchayat Secretary Gram Panchayat Chainpur, Ps- Bangaon, Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Advocate

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-05-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Bangaon P.S. Case No. 77 of 2024, registered on 29.06.2024 for the offences under Sections 406, 409 and 420/34 of the Indian Penal Code.

3. As per prosecution case, petitioners being the Ex-Mukhiya and Ex-Panchayat Secretary, respectively of Gram Panchayat Chainpur withdrew more than the amount which was spent on the work done towards construction of Panchayat Sarkar Bhawan. It is alleged that the petitioners made payment of Rs. 3,99,678/- which was over and above the amount



required to be paid in accordance with measurement book.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The construction of the Panchayat building has been done by the petitioners and no complaints were received against the construction. The petitioner no.1 is Ex-Mukhiya of Chainpur Panchayat and petitioner no.2 is Ex-Panchayat Secretary and they have not defalcated any government money. According to the measurement book payment to the tune of Rs. 23,68,760/- was required to be made but excess payment of Rs. 3,99,678/- has been made and the petitioners have deposited the amount of Rs. 3,99,678/- in the account of Panchayat Sarkar Bhawan as soon as they came to know about the excess payment. Petitioners are having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail. Learned APP submits that petitioners made excess payment and thus caused loss to the Exchequer.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that payment of excess withdrawal has already been deposited and further considering the clean antecedent of the petitioners, let the petitioners, in the event of their arrest or



surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned ACJM-1st, Saharsa/ concerned court in connection with Bangaon P.S. Case No. 77 of 2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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