

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68575 of 2025

Arising Out of PS. Case No.-147 Year-2023 Thana- SAHPUR District- Bhojpur

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1. Sohari Ram @ Sohrai Ram @ Sohrai Paswan S/o- Late Mudrika Ram
 2. Shivmuni Paswan @ Shiv Paswan S/o- Late Chandri Paswan
Both are resident of Village- Itwa, P.S.- Shahpur, Dist- Bhojpur
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Jha
		Mr. Saurav Anand
For the Opposite Party/s :		Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 08-10-2025 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Shahpur Police Station Case No. 147 of 2023, dated 03.04.2023, disclosing offences punishable under Sections 420/406/409/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report lodged by the Panchayat Secretary of Shivpur Gram Panchayat, is that irregularities were committed in the implementation of the scheme, namely, Chief Minister's Nal Jal Yojana, in Ward Nos. 3, 4, 7, 8, 9, 11, 13 and 15. The petitioners are the Panchayat Secretary and the Chairman of Ward No. 15. The total amount for the execution of the scheme, in question, was sanctioned to



the tune of Rs. 14,98,400/-, out of which Rs. 13,00,000/- was transferred to different wards, but the petitioners, along with others, misutilized the funds and defalcated huge amount.

4. Learned Counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged. The scheme, in question, was completed in the year 2021 and the First Information Report has been lodged on the basis of a letter of District Magistrate and the Block Development Officer. Prior to the aforesaid letter, the then D.D.C. had constituted a two-member Enquiry Committee for inspection of the work regarding the scheme in question in different wards. The Enquiry Committee inspected all the wards, including Ward No. 15, and submitted its report, dated 24.06.2022 (Annexure P/2). Referring to the enquiry report pertaining to Ward No. 15, learned Counsel submits that the scheme was substantially executed in the said ward and the water tank, stand, pump, etc. were in running condition. The First Information Report has been lodged without considering the finding of the Enquiry Committee regarding execution of the work in the ward, in question. A co-ordinate Bench



of this Court has granted anticipatory bail to the similarly situated persons, namely, Jitendra Singh and Shyamla Devi, vide order, dated, 24.09.2025, passed in Criminal Misc. No. 67991 of 2025, who are also named in the First Information Report and are the Chairman and the Panchayat Secretary of Ward No. 13 taking into consideration the enquiry report.

5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that similarly situated co-accused persons have been granted anticipatory bail by this Court taking into account the enquiry report, I am inclined to grant the petitioners privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioners, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Bhojpur, at Ara, in connection with Shahpur Police Station Case No. 147 of 2023, subject to the condition laid down under



Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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