

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75877 of 2024

Arising Out of PS. Case No.-48 Year-2010 Thana- KONCH District- Gaya

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Smt. Suryamani Devi Wife of Vijay Prasad singh Resident of Village-
Sindhuari, P.S.- Konch, Distt.- Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mrs. Nivedita Nirvikar, Sr. Advocate
		Mr. Pravin Kumar, Advocate
		Mr. Arya Achint, Advocate
For the Opposite Party/s :		Mr. Renu Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 14-02-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Konch Police Station Case No. 48 of 2010, disclosing offences under Sections 409, 420, 467, 468, 471, 120(B) of the Indian Penal Code.

3. As per the prosecution case the complaint-cum-First Information Report has been lodged, stating therein, that under the scheme of 2008-09, bearing Scheme No. 6, 7 and 8, hand-pump was to be fixed near the house of Suresh Paswan and Ramanand Yadav for a cost of Rs.10,600/- each and a road was to be constructed in Nighai Harizan Tola for a total cost of



Rs. 99,800/-. The petitioner, being the Mukhiya of the Gram Panchayat Gauharpur, in conspiracy with co-accused persons withdrew the amount and only completed the scheme on paper and actual work was not completed on ground and thereafter, misappropriated the entire amount without any work.

4. Learned senior counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to political rivalry inasmuch as the complainant Devendra Kumar lodged the Complaint Case No. 822 of 2010 petitioner, namely, Suryamani Devi and others since earlier the husband of the petitioner no. 1 was Mukhiya of the Gram Panchayat Gauharpur and he appointed the complainant's wife as Aanganwadi Worker and when the petitioner no. 1 became Mukhiya the complainant wanted certain scheme to be given in favour of his wife, which was not fulfilled, consequently, the frivolous complaint has been lodged. Referring to the report of Junior Engineer as well as the report of Senior Additional District Magistrate, Gaya, and Secretary of the Commissioner, learned senior counsel submits that the work of the scheme has appropriately been executed by the petitioner and the only difference is that instead of selected place, the hand-pumps were fixed in another place after obtaining the approval of the Aam



Sabha and the road was also constructed on a different place. It is not the fact that the petitioner and other accused persons did not execute the work of the scheme no. 6, 7 and 8. In addition to her arguments, she pointed out the relevant portion of the report of aforesaid officials annexed at Annexure-2,3 and 4. Regarding the delay in seeking anticipatory bail, learned senior counsel submits that the petitioner was not aware about the complaint case, which was converted into First Information Report under Section 156 (3) of the Code of Criminal Procedure lodged by the complainant and when the police started searching the petitioner, she came to know about this case and as a result filed the anticipatory bail before the Additional Sessions Judge XVIII, Gaya. Referring to the impugned order, learned senior counsel submits that the investigation in the present case is still going on and the petitioner has apprehension of arrest. She further submits that similarly situated co-accused person has already been granted bail by this Court vide order dated 17.12.2024, passed in Cr. Misc. No. 82702 of 2024.

5. Learned counsel for the State submits that during the course of enquiry, one Suresh Paswan, Smt. Subhri Devi, Sh. Ravindra Paswan and Sh. Ramanand Paswan have said that Mukhiya has not fixed the hand-pumps.



6. Having regard to the submissions made on behalf of the parties and taking into consideration the materials available on records and the report submitted by the various officials, including the Senior Additional District Magistrate, that work was completed by the petitioner and other accused persons, but not on the place which was selected under the scheme and similarly situated co-accused person has been granted bail by this Court, I am inclined to grant the petitioner privilege of anticipatory bail.

7. This application is, accordingly, allowed.

8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate VIII, Gaya, in connection with Konch Police Station Case No. 48 of 2010, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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