

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79329 of 2024

Arising Out of PS. Case No.-373 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

Subhash Paswan, S/O Karu Paswan, R/O Village- Noorsari Chandasi, P.S-
Noorsari, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 31-01-2025 Heard Mr. Suraj Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Parmeshwar Mehta, learned
APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Kuchaikote P.S. Case No. 373 of 2023 registered under
Section(s) 409, 420 and 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the
petitioner, the then Panchayat Rozgar Sevak and co-accused the
then Mukhiya of Gram Panchayat Raj Khas had embezzled the
government money by way of withdrawing the money in the
name of fictitious person.

4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is innocent and he has falsely been implicated in the present case. He informed that the misappropriated amount has already been deposited by the petitioner in the bank account of the State Employment Guarantee Fund being A/c No.61310273370 (IFSC No. SBIN0031501) and other co-accused has been released on pre-arrest bail by this Court vide order dated 07.11.2023 passed in Cr. Misc. No.71460 of 2023. It is further submitted that the Mukhiya of the Panchayat and the District Programme Officer are main the kingpin, who had committed such a large scale fraud, by using small fish like the petitioner. The petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that the main kingpins of the fraud are the Mukhiya of the Panchayat and the District Programme Officer, who are responsible for execution of work and also responsible for noting the attendance and the FIR has been lodged on the basis of the direction of this Court vide order dated 06.09.2021 passed in CWJC No.4666 of 2021 and other



co-accused has been released on bail by this Court vide order dated 07.11.2023 passed in Cr. Misc. No.71460 of 2023 and also the fact that the petitioner has clean antecedent, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, 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 – I, Gopalganj in connection with Kuchaikote P.S. Case No. 373 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The District Magistrate concerned is directed to keep check on the District Programme Officer and the Junior Engineer, who are responsible for such work and implementation of the National Rural Employment Guarantee Scheme.

9. The learned District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in



paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

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