

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80125 of 2024

Arising Out of PS. Case No.-47 Year-2022 Thana- BIHTA District- Patna

Kamlesh Kumar S/o Umesh Prasad R/o Village- Bilap, PS- Bihta, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Mr. Sunil Kumar Pathak, Advocate
For the Opposite Party/s	:	Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered under Sections 406 and 420 of the Indian Penal Code.

3. The prosecution story, in brief, is that informant being Secretary of Ward No. 3 under Dayalpur Daulatpur Panchayat, withdrawn Rs. 6,92,000/- for development work from the account of Ward Implementation Management Committee. It is further stated that Mukhiya/petitioner of Panchayat by threatening and luring cheated all of Rs. 6,92,000/- in the name of getting the work done but he has not done the work, and when informant demanded the money, he abused her on phone and also threatened her.

4. Learned counsel appearing on behalf of the petitioner



submits that at the relevant time, petitioner was Mukhiya of Dayalpur Daulatpur Panchayat, and when petitioner was directed to complete the development work in Ward No. 3, then the amount in question was withdrawn by informant, but informant did not complete the development work and grabbed the total money, and trapped the petitioner in this case by making false accusation. The alleged amount has been withdrawn by informant in the year 2018, but the FIR has been lodged after a delay of 4 years, which itself creates doubt over the veracity of the prosecution case. As per FIR, there is no chit of paper available on record to support the allegation as levelled against the petitioner. Petitioner being Mukhiya of the Panchayat had no role in the implementation of the work of Ward Implementation Management Committee.

5. Learned A.P.P. for the State opposed the prayer for bail.

6. Having considered the aforesaid facts and circumstances of the case as well as the materials available on record, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties



of the like amount each to the satisfaction of learned Additional
Chief Judicial Magistrate-I, Danapur, Patna in connection with
Bihta P.S. Case No. 47 of 2022, subject to the conditions as laid
down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Singh, J)

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