

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26669 of 2024**

**In**

**CRIMINAL MISCELLANEOUS No.15819 of 2023**

Arising Out of PS. Case No.-597 Year-2022 Thana- GAURICHAK District- Patna

Ashish Yadav S/o- Sanjeev Kumar R/o- 533, Yadav Colony shikohabad Po  
Ps- Shikohabad Dist- forozabad U.P P/A- Junior Engineer, Block Hilsa Dist-  
Nalanda ... Petitioner

Versus

The State of Bihar

... Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Alok Ranjan, Advocate

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

5      25-04-2025                      Heard learned counsel for the petitioner and the State.

2. As per the prosecution case, there were irregularities found at village panchayat, Brawa Block, Punpun under Panchayati Raj Department in the scheme of Chief Minister seven Nischay Yojna, Gramin Payjal Nischay Yojna and Gramin Gali Pakkikaran Yojna. Thereafter, inspection was done by District Panchayat Raj Officer, Patna through Letter No.3188 dated 06.09.2021 and President, Ward Secretary, Panchayat Secretary, Junior Engineer and Mukhiya of Ward Nos. 1, 2, 6, 7, 9, 10 and 11 were found guilty. Accordingly, direction was given to lodge FIR. Allegation against the petitioner, who is the Junior Engineer, is of misappropriation of fund.

3.This Court, while disposing of the bail petition, granted provisional bail to the petitioner vide order dated 23.5.2023, passed in Cr.Mis.No. 23.5.2023 and directed petitioner to appear before the District Panchayat Raj Officer, Patna along with documents to apprise him about the work having been completed by him. Officer concerned in turn had been directed to examine claim of the petitioner and to file



counter affidavit.

4. Instant modification petition has been filed for modification of order dated 23.5.2023, passed in Cr.Mis.No.15819/2023 by confirming the provisional bail granted to the petitioner.

5. Today, learned counsel for the State points to paragraph 11 of the counter affidavit and stated that the District Pachayat Raj Officer, Patna after considering all the facts on record including the joint report has found that work has not been completed on the spot and the excess amount which was withdrawn, has not been deposited. In this regard, District Panchayat Raj Officer, Patna has issued order vide Memo No. 3137 dated 5.8.2023 with the aforesaid finding. Order dated 5.8.2023 is contained in annexure C/2 to the counter affidavit.

6. Provisional bail was granted to the petitioner for a limited period only to know as to whether petitioner has completed the work entrusted to him or not and now District Panchayat Raj Officer, Patna has filed counter affidavit stating therein that petitioner has not completed the entrusted work and he has not deposited the excess amount withdrawn by him.

7. In that view of the matter, provisional bail allowed to the petitioner vide order dated 23.5.2023, passed in Cr.Mis.No. 15819 of 2023, is hereby recalled/cancelled with direction to the petitioner to surrender and seek regular bail.

8. Instant modification petition is accordingly dismissed.

Shashi

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(Prabhat Kumar Singh, J)

