

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3003 of 2026

Arising Out of PS. Case No.-197 Year-2025 Thana- MALI District- Aurangabad

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1. Bhim Kumar Chouhan S/O Bhuneshwar Chauhan @ Bhuneshwar Nonia R/O Vill and P.s.- Mali, Dist.- Aurangabad, Bihar
 2. Ramjiwan Yadav S/O Late Harihar Yadav R/O Vill and P.s.- Mali, Dist.- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aman Vishal, Advocate
For the State	:	Mr. Md. Matloob Rab, APP
For the informant	:	Ms. Mukul Kumari, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 28-01-2026 Heard learned counsel for the petitioners and learned A.P.P. for the State and learned counsel for the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 303(2), 3(5) of the B.N.S.

3. The allegation in the First Information report is that the petitioners, who are the *Mukhiya* and his associate sold two water tanks which were subject matter of Chief Minister's Nal Jal Yojana and when the informant, who was the Ward member, confronted with regard to same, he was abused and threatened.

4. Learned counsel for the petitioners submits that



the petitioner no.1 is *Mukhiya* of the said Panchayat and the allegation of theft of two water tanks in question made by the informant, who is a Ward member, is only a result of political vendetta. As a matter of fact, the two tanks had got badly damaged in the storm and the person who is alleged to have purchased the said tanks being, Baijnath Prasad, has also stated during the course of investigation in paragraph-27, as would be evident from the bail rejection order, that he collects garbage from door to door and he purchased two water tanks which were in a damaged condition. It is thus submitted on behalf of the petitioners that the petitioners have not put the water tanks for personal use and are thus not responsible for any criminal misappropriation in view of the fact that Rs.24,000/- has already been given to the informant from the funds of the *Mukhiya* for purposes of repair.

5. Learned counsel for the informant opposed the prayer for anticipatory bail on the ground that the petitioners have sold off the water tanks and as such, have committed the offence of criminal misappropriation by putting the same to their own personal use.

6. Taking into consideration the facts and circumstances and also considering the fact that the water tanks



in question were already in a damaged condition and the same could have served no useful purpose, the petitioners do not seem to have committed any serious offence and considering that other remedial measures could be taken to make good the loss, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Mali P.S. Case No. 197 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

(Soni Shrivastava, J)

anand/-

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