

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36524 of 2026

Arising Out of PS. Case No.-43 Year-2023 Thana- KOTWA District- East Champaran

1. Rani Mishra @ Rani Kumari Devi Wife of Shri Pappu Mishra Resident of Village-Barva Tiwari Tola, Panchayat-Maharani Bhopat, Police Station-Pipra, District-East Champaran.
2. kundan Kumar Son of Shri Ram Narayan Thakur Resident of Village-Barva Kanth Chhapra, Panchayat-Maharani Bhopat, Police Station-Pipra, District-East Champaran.

... .. Petitioners

Versus

1. The State of Bihar
2. Mr. Ramadhar Sharma Son of Shri Mainekar Sharma Resident of Village-Murali, Post-Bhada Murali, Via-Dariyapur, Police Station-Sangrampur, District-East Champaran. (ie. Informant/the then Panchayat Secretary) The Panchayat Secretary of Gram Panchayat Raj Maharani Bhopat, Block-Kotwa, District-East Champaran,
3. Mr. Ajay Kumar son of Late Bhola Ray Resident of Village-Jagirahan, Post-Bijdhari, Police Station-Kesariya, District-East Champaran. At present the Technical Assistant / Junior Engineer, Panchayati Raj Department, Block-Kotwa, District-East Champaran.
4. Mr. Abhimanyu Kumar The present Panchayat Secretary of Gram Panchayat Raj Maharani Bhopat, Block-Kotwa, District-East Champaran. Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-06-2026 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR and apprehending their arrest in connection with Kotwa P.S. Case No.43 of 2023 registered under Sections 409 and 420 of the Indian Penal Code.

3. Allegation against the petitioners is to defalcate



Rs. 4,69,895/- out of allotted amount of Rs. 12,12,000/- given for Nal Jal Yojana of the government as to execute work in Gram Maharani Bhopat, Block Kotwa, District-East Champaran under Ward No. 2.

4. It is submitted by learned counsel appearing on behalf of the petitioners that the allegation is completely motivated due to political enmities as the petitioners completed the work against the alleged defalcated amount of Rs. 4,69,895/- as it is clear from Annexure- P/2 which is a certificate dated 16.03.2026 issued by Panchayat Secretary. It is pointed out that intentionally the present ward member did not supply bill vouchers to the concerned Junior Engineer, therefore, he could not arrive on the conclusion qua utilization of funds and, therefore, on the basis of suspicion, the petitioners were implicated.

5. It has further been pointed out that Annexure- P/2 which is the certificate of the Panchayat Secretary categorically stated that there is no dues against the petitioners as measurement book categorically suggest that the work done was completed by the petitioners with allocated amount. Both the petitioners are of clean



antecedent.

6. Learned APP opposes the prayer of anticipatory bail.

7. In view of aforesaid factual submission and by taking note of the fact as *prima facie* the allegation of the defalcation appears doubtful in view of Annexure- P/2, accordingly, both above named petitioners, in the event of their arrest or surrender in the court below within a period of four weeks, are directed to release on bail upon 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 Additional Chief Judicial Magistrate - Xth, East Champaran, Motihari in connection with Kotwa P.S. Case No.43 of 2023, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the B.N.S.S.

(Chandra Shekhar Jha, J)

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