

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40102 of 2026

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

Tanun Miyan @ Ainul Miyan @ Md. Aenul Son of Gulzar Miyan Resident Of
Village -Maharani Bhopat, Ps -Kotwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar

For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-06-2026 Heard the parties.

2. The accused/petitioner is named in the FIR and apprehending his 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 petitioner 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 petitioner that allegation is completely motivated due to political enmities as the petitioner 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 petitioner was 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 petitioner with allocated amount. Petitioner is a man 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, above named petitioner, in the event of his arrest or surrender in the court below within a period of four weeks, is directed to released 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 Chief Judicial Magistrate, 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.)

S.Tripathi/-

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