

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66206 of 2025

Arising Out of PS. Case No.-111 Year-2023 Thana- PATAHI District- East Champaran

1. Raman Mahto S/o Krishna Mahto
 2. Ramjatan Baitha S/o Ganga Baitha
- Both are R/o Village - Ratansayar, Ward No. 6, P.S - Patahi, District - East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh, Advocate

For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 21-01-2026 Heard Mr. Radha Mohan Singh, learned counsel appearing on behalf of the petitioners and Mr. Parmeshwar Mehta, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Patahi P.S. Case No. 111 of 2023 registered for the offence(s) punishable under Sections 406, 409, 420 and 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioners no.1 and 2, being Ward Member and Ward Secretary respectively of Ward No.6 of Village Ratansayar, has withdrawn Rs.16,95,000/- from the account of Ward Implementation and Management Committee for the financial year 2018-19 and only



completed the work amounting to Rs.9,26,353/-, relating to scheme *Har Ghar Nal Ka Jal Yojna* as per measurement book and embezzled the remaining government money of Rs.7,71,647/-.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. Learned counsel relying on a photocopy of the measurement book in respect of the implementation of the *Har Ghar Nal Ka Jal Yojna* scheme of the State Government, submitted that the work completion certificate has been furnished and total payment of money as per the bill raised by the contractor in execution of the work were made. Learned counsel informs that though he has not brought on record the manner in which the scheme has to be carried and who is responsible for the implementation of the scheme but it is apparent from the measurement book that materials are supplied by the Panchati Raj Department and the materials to the extent was utilized in the work execution. As per the measurement book, a sum of Rs. 16,21,705/- has been received by the petitioners, which shows that the entire work has been completed. Petitioners have clean antecedents. On these grounds petitioners seek to be release on pre-arrest bail.



5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, I find that from the said measurement book, it is not clear, as to whether, the work has been completed. However, taking into consideration the role of the petitioners, I find that the not only the petitioners are responsible for any loss to the government and inconvenience caused to the poor public but other government officials who are named in the FIR are also equally responsible. The scheme on date has failed. In such circumstances, the work has been completed amounting to Rs.9,26,353/- but petitioners, who are Ward Member and Ward Secretary of the concerned ward, have already received a sum of Rs.16,95,000/-. The Junior Engineer, who has signed the measurement book is solely responsible for incorrect measurement conducted by him, if the work has not been completed and any loss of Rs.7,71,647/- has been caused to the Government. The petitioners who have been paid a sum of Rs.9,26,353/- as per the measurement book, have, prima facie, made out a case to be released on pre-arrest bail in view of the civil nature of allegation, as if any loss has been caused to the government, the same can be realized from the petitioners or the



accused persons in accordance with law.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court 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 learned Judicial Magistrate, 1st Class, East Champaran at Motihari / Concerned Court in connection with Patahi P.S. Case No. 111 of 2023 , subject to the conditions as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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