

Court of District and Addl. Sessions Judge, Biraul(Darbhanga)

Present:- Sri Shiv Kumar,

Dist.&Addl. Sess. Judge, Biraul.

ABP No. 228/2026(Gautam Prasad Singh vs. State of Bihar)

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In the Court of District and Addl. Sessions Judge, Biraul, Darbhanga

ABP No. 228 of 2026

In the matter of :-

1. Gautam Prasad Singh, Son of Arjun Prasad Singh.

.....Petitioners.

Vs.

2. The State of Bihar

.....Opposite Party.

For the petitioner:- Sri Purshottam Mishra, Ld. Advocate.

For the O.P.(State):- Sri Bachha Rai, Ld. APP.

Order

29.06.2026 The present anticipatory bail petition has been filed on behalf of abovenamed petitioner who is apprehending his arrest in connection with CR case No. 42 of 2021, for the offences punishable under sections 420, 406 of IPC, which is pending in the Court of Miss. Ankita JMFC, Biraul, Darbhanga.

Heard Sri Purshottam Mishra the Ld. Counsel for the petitioner and Sri Bachcha Rai Ld. Counsel for State.

The present case has been lodged on the basis of complaint petition filed by the complainant namely Suresh Ram. The case of the complainant in brief is that the complainant, a Ward member of Gram Panchayat Raj Kewatgama, alleges that under the Nal Jal Yojana, a total sum of Rs. 12,30,000/- was paid through cheques to M/s Maa Jagdamba Enterprises and its operator Gautam Prasad Singh for execution of work. Despite repeated requests, the operator failed to provide vouchers/receipts for the payments. The measurement book reflects expenditure of only Rs. 10,02,381/- leaving an unexplained balance of about Rs. 2,66,619/- which has not been refunded to the Ward Implementation Committee. The complainant further states that requests to the Block Development Officer and the police for registration of an FIR were ignored. On the basis of aforementioned information

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the present Complaint case bearing No. 42 of 2021 has been filed by the complainant before the Court of Ld. ACJM, Birual. The Ld. Magistrate after enquiring into the matter has found that a prima facie case is made out against the petitioner and issued process for obtaining his presence.

Ld. Counsel for the petitioner submits that the petitioner is quite innocent and he has not committed any offence.. The petitioner has falsely been implicated in this false case. No such occurrence did ever take place as alleged in the Complaint petition. The present case has been lodged due to enmity and grudge. The petitioner is a proprietor of Jagdamba Enterprises who is seller of goods related to sanitary goods renting the machine for borewell. The petitioner and his enterprises never been selecting for work completion for Nal Jal Yozna in alleged Ward. Petitioner sale the goods and renting the machine of bore well to the Ward Kriyanvayan Samiti and received the amount through cheque. As a matter of fact the petitioner has supplied the goods to Ward Kriyanvayan Samiti and received the payment for goods and rent for machine. The petitioner is not liable to prepare any voucher and measurement book. The petitioner is ready to abide by all the conditions as imposed by the court. Therefore the present petition may be allowed.

On the other hand, Ld. Addl. P.P appearing on behalf of the State opposed the prayer for bail and submits that there is allegation upon petitioner that he received Rs. 12,30,000/- for execution of work under the Nal Jal Yojana but failed to furnish vouchers/receipts and allegedly misappropriated the unaccounted government funds. He submits that the allegations disclose commission of serious offences involving cheating and criminal breach of trust. It is further submitted that the Ld. Magistrate has already scrutinized the materials collected during enquiry and has found sufficient grounds to proceed against the petitioner. He further submits that Ld. Magistrate recorded satisfaction regarding the existence of prima facie against the petitioner under section 420 and 406 of IPC and had issued processes for his appearance. At this stage, there is nothing on record to indicate that the order issuing process suffers from any apparent illegality. The allegations

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relate to cheating and criminal breach of trust, which are serious in nature. The allegations involve misuse of public money meant for implementation of a Government scheme. Therefore the present petition for anticipatory bail should be dismissed.

Upon considering the rival submissions made at bar, nature and gravity of the offence as well as other facts and circumstances of the case this Court does not feel inclined to grant anticipatory bail to the petitioner. Accordingly the prayer for anticipatory bail of the above named petitioner is hereby **rejected**.

(Dictated)

(Shiv Kumar)

Addl. Sessions Judge, Biraul

29.06.2026