

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

Present:- Sri Shiv Kumar,

Dist.&Addl. Sess. Judge, Biraoul.

ABP No. 1492 of 2025(Reg No. 334/2025)(Arjun Kumar Sah vs. State of Bihar)

Page No. 1 of 3

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

ABP No. 1492 of 2025(Reg No. 334/2025)

In the matter of :-

1. Arjun Kumar Sah, Son of Late Ram Lakhan Sah

.....Petitioner.

Vs.

2. The State of BiharOpposite Party.

For the petitioner:- Sri Mukesh Kumar Ray Ld. Advocate.

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

Order

21.04.2026 The present anticipatory bail petition has been filed on behalf of abovenamed petitioner who is apprehending his arrest in connection with Kureshwar Asthan PS case No. 173 of 2022, for the offences U/Ss 406, 409, 420 of IPC, which is pending in the Court of SDJM, Biraoul, Darbhanga.

Heard Sri Mukesh Kumar Ray the Ld. Counsel for the petitioner and Sri Bachcha Rai Ld. Counsel for State.

The FIR in the present case has been lodged on the basis of application of informant namely Brajesh Mishra. The case of the prosecution in brief, is that, petitioner, who has been appointed for construction of community toilets in Mahadalit/Dalit-dominated hamlets, withdrew an advance amount of Rs. 1858000 via Check from Account No. 2289000100067526, IFSC Code PUNB0228900, Satighat brach. Against this, a measurement report of only Rs. 495547/- was submitted. The remaining amount of Rs. 1362453 has neither been utilized for the execution of work nor has the advance amount been refunded by him which appears to be a case of embezzlement of

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ABP No. 1492 of 2025(Reg No. 334/2025)(Arjun Kumar Sah vs. State of Bihar)

Page No. 2 of 3

government funds. Further the informant has received instruction to register a case against the petitioner for embezzlement of government fund.

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. He submits that Block Development Officer has given misleading facts and information to the Senior Authorities and obtained permission for registration FIR against this petitioner. The petitioner has not embezzled the alleged amount rather due to non execution of assigned work by the concerned contractor the petitioner has been made accused. The petitioner is a retire person and suffering from severe ailments. 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 of the petitioner and submits that the allegations leveled against the petitioner is serious and grave in nature. He submits that accused embezzled amount of Rs. 1362453/- of government funds. The misappropriated funds were specifically earmarked for the construction of community toilets in Mahadalit and Dalit dominated settlements. This project intended for the welfare of the most marginalized sections of society. He submits that before lodging the FIR petitioner was provided multiple opportunities to rectify the discrepancy or refund the unspent advance. Therefore the present petition should be dismissed.

Upon considering the rival submissions and on perusal of the materials available on record this court finds that Para 6, 7, 8 of the case diary mentions statement of witnesses who have supported the case. The allegation involves the misappropriation of Rs. 1362453/- which was public money specifically allocated for the up-liftment of Mahadalit and Dalit communities.

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ABP No. 1492 of 2025(Reg No. 334/2025)(Arjun Kumar Sah vs. State of Bihar)

Page No. 3 of 3

The gravity of the offence is heightened by the fact that the petitioner held a responsible official position. Considering the discussions made above, seriousness 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 this petitioner is hereby **rejected**.

(Dictated)

(Shiv Kumar)

Addl. Sessions Judge, Biraoul

21.04.2026

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