
In the Court of Sessions Judge, East Champaran at Motihari.

Present:-

Abhishek K. Das
Sessions Judge,
East Champaran at Motihari.

Bail Petition No. 506 of 2026

1. **Hiraman Ram, aged about 65 years, S/o- Late Sukhal Ram.**
R/o village- Mathiya Bhopatpur Fulwar, P.S. Lakhaura, District- East
Champaran.

-----Petitioner.

Versus

The State of Bihar -----Opposite party.

Counsel for the Petitioner :- Sri Ankit Kashyap, Advocate.

Counsel for the State :- Sri Khublal Prasad, Public Prosecutor.

13.03.2026

This bail petition is filed on behalf of petitioner, namely, Hiraman Ram, who is in judicial custody since 30.01.2026 in connection with Muffasil P.S. Case No. 06 of 2009 u/ss 406 and 409/34 of Indian Penal Code.

In para-2 of the bail petition, it is mentioned that earlier A.B.P. No. 2642/2012 was rejected by the then learned Sessions Judge, then the petitioner preferred Cr. Misc. No. 9696/2013 before the Hon'ble Patna High Court which was disposed of with observation to surrender before the learned Court below and seek regular bail within the period of six weeks from the order passed in the said Cr. Misc., thereafter a modification petition preferred by the petitioner before the Hon'ble Patna High Court vide Cr. Misc. No. 12380/2014 which was allowed on 26.03.2014 for further four weeks time to surrender before the learned Court below from the date of receipt of the copy of order, since then no other regular or anticipatory bail petition has been filed on behalf of the petitioner either in this Court or before the Hon'ble Patna High Court. As per para-3 of the bail petition, the petitioner has two criminal antecedents vide (1) Ramgarhwa P.S. Case No. 87/2016 and (2) Lakhaura P.S. Case No. 05/2001. As per para-4 of the bail petition, the petitioner is in judicial custody since 30.01.2026.

The present F.I.R. has been registered on the basis of Letter No. 3072 issued by Block Development Officer, Motihari (hereinafter informant) alleges that vide Letter No. 1380 dated 12.08.2008 issued by the District Panchayat Raj Officer, East Champaran Motihari, the informant was directed to register a case against the

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suspended *Panchayat Sevak* Hiranman Ram (petitioner) and *Mukhiya*, Gram Panchayat Raj Chandrahiya on the grounds of their failure to submit the requisite report concerning the financial transactions and maintenance of accounts of Gram Panchayat Chandrahiya. It is further alleged that when informant's office issued a directive to submit the details pertaining to financial transactions and account maintenance, the *Mukhiya* stated that the *Panchayat Sevak* serves as the custodian of all the scheme registers and other documents, consequently, these records are not currently in his possession. The suspended *Panchayat Sevak* (petitioner) conversely asserted that all the relevant documents had already been handed over to the concerned *Panchayat Sevak* and the *Mukhiya*. The records pertaining to financial transactions and account maintenance have not been submitted by the accused persons.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has committed no offence. The petitioner could not be able to hand over the financial transaction. The petitioner has requested several occasion for taking his charge but informant did not pay any heed towards his request. No any show-cause or explanation was called for from the petitioner before lodging the case. In fact, it is not a case of defalcation of a single farthing of government money and as per the law and decision of Hon'ble Apex Court mere non handling of charge is not amount to attract Section 409 of I.P.C. The petitioner was arrested by the police, but nothing incriminating has been recovered from his possession. Learned counsel has sought to release the petitioner on bail.

The learned Public Prosecutor appearing on behalf of the State has opposed the prayer for bail on the basis of materials available on the record.

Heard both sides and perused the record. As per F.I.R., the petitioner (suspended *Panchayat Sevak*) and *Mukhiya* of Gram Panchayat, Chandrahiya failed to submit records relating to financial transaction and maintenance of Panchayat accounts. The *Mukhiya* claimed that the records were with the *Panchayat Sevak* (petitioner), while the petitioner stated that the documents had already been handed over to the *Mukhiya* and concerned *Panchayat Sevak*. However, the required records were not produced by them. Though there is no any specific allegation of wrongful gain by the accused/petitioner, he carries two criminal antecedents including one of similar nature, and the petitioner has violated the specific order of Hon'ble Court two times. The petitioner was given time of six weeks to surrender, by the Hon'ble

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Court vide Cr. Misc. No. 9696/2013, but the petitioner did not comply and again the Hon'ble Court granted opportunity to the petitioner to comply its order by extending the time for further four weeks, vide its order dated 26.03.2014 in Cr. Misc. No. 12380/2014. Even then the petitioner did not comply. The petitioner has evaded the process of law and disobeyed the direction of the Hon'ble Court. As far as the old age of the petitioner is concerned, it is the petitioner himself who is evading the process of law and now he cannot be allowed to take advantage of his own wrong. As per para-3 of the bail petition, the petitioner has two criminal antecedents vide (1) Ramgarhwa P.S. Case No. 87/2016 and (2) Lakhaura P.S. Case No. 05/2001 and as per para-184 and 191 of the case diary, the petitioner has two criminal antecedents vide (1) Ramgarhwa P.S. Case No. 87/2016 and (2) Banjariya P.S. Case No. 905/2021. Investigation of this case is still pending.

In the facts of the case as discussed above, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner, namely, **Hiraman Ram** stands **rejected**.

(Dictated)

Sd/-

**Sessions Judge
East Champaran at Motihari
13.03.2026**