

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10550 of 2015

Arising Out of PS.Case No. -329 Year- 2011 Thana -SHEKHPURA District- SEKHPURA

Kapildeo Prasad Son of Late Rameshwar Mehto, Resident of Mohalla -
Dallu Chowk, Patel Nagar, Hasanganj Road, P.O., P.S. and District -
Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Soni Shrivastava

For the Opposite Party/s : Mr. Madhuranand Jha (App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 18-03-2015 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in Sheikhpura
P. S. Case No. 329/2011 registered for offences punishable under
Sections 409, 420, 467 and 468 of the Indian Penal Code.

The allegation against the petitioner is that he made
wrong identification for construction of the boundary wall of
graveyard at Khesra no. 669 under khata no. 106, under Scheme
No. 3/2008-2009.

It is submitted on behalf of the petitioner that though the
F. I. R. in question has been registered against many other accused
persons, the name of the petitioner did not figure in the same and
subsequently during the course of enquiry, it transpired that the

plot in question has been wrongly identified by the petitioner and as a consequence there of, the funds, which was to be used for constructions of the boundary wall under scheme no. 3/2008-2009 plot No. 410 under khata no.-22 and over khesra No. 387 was wrongly utilized for construction of part boundary wall.

Learned counsel for the petitioner submits that at the relevant period, the petitioner was a Halka Karamchari of Halka No.-8 under Anchal Sheikhpura. It is further submitted that the petitioner had since retired and if at all there was any mistake, it was by chance and not deliberate or motivated so as to cause any wrong.

Learned counsel for the petitioner has further drawn my attention towards the order dated 29th November, 2013 passed in Cr. Misc. No. 42395 of 2012 whereby one Gajendra Choudhary who was also apprehending his arrest in connection with the aforesaid case and has been named in the F.I.R., has since been extended privilege of anticipatory bail.

Considering the aforementioned submissions and also the fact that the mistake in question may have been bonafide and investigation in the case is also complete, let the above named petitioner, in case of arrest or surrender within a period of four weeks, be released on bail on furnishing bail bonds of Rs.

10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura P. S. Case No. 329/2011, subject to condition as laid down under Section 438(2) of Cr. P.C.

(Anjana Mishra, J)

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