

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26874 of 2014

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

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Sanjay Kumar Nirala, Son of Late Sachidanand Yadav, Resident of Village
Tarapur, Munger, P.S. Tarapur, District - Munger

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Amar Nath Singh,
Mr. Ram Prawesh Kumar, Advocates

For the Opposite Party: Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 05-08-2015 Heard learned counsel for the petitioner and learned

APP for the State on the interlocutory application as well as on

the merit of this application.

2. The petitioner apprehends his arrest for the
offences alleged under Sections 409, 420, 467 and 468 of the
Indian Penal Code registered in connection with Sheikhpura P.S.
Case No. 329 of 2011.

3. It is submitted that the petitioner has been falsely
implicated as he had no role in committing any irregularity much
less as alleged in connection with Scheme No.3 of 2008-09 and
Scheme No. 8 of 2009-2010. In the former scheme, the petitioner
was given additional charge of Block Development Officer,
Sheikhpura for the period from 30.07.2009 to 03.04.2010 prior to
which the scheme had commenced in the year 2008 itself and all



the formalities in respect of approvals and sanctions had already been completed. As regards the second Scheme No.8 of 2009-10, it is submitted that whereas the petitioner was given additional charge of B.D.O., Sheikhpura on 30.07.2009, the scheme was initiated prior to 30.07.2009 and the estimate had already been prepared. The petitioner merely forwarded the estimate to the District Welfare Officer and had no role to play in execution of the Scheme.

4. In the above view of the matter, the provisional bail granted to the petitioner by order dated 07.11.2014 pending in the Court of learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura P.S. Case No. 329 of 2011 stands confirmed, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:-

(i) The petitioner shall cooperate with the investigation and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(ii) The petitioner shall remain physically present on each and every date during trial and in the event of failure on two consecutive dates, his bail bond shall be liable to be cancelled by

the learned Court concerned.

5. I.A. No.2635 of 2014 has been filed on behalf of the petitioner seeking modification of the order dated 07.11.2014 granting provisional bail by extending the time for surrender by a further four weeks, on the ground that there was delay in communication of the said order to the learned Court below.

6. Time for surrender and furnishing bail bond is extended by a further period of four weeks from today and I.A. No. 2635 of 2014 is allowed.

(Vikash Jain, J)

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