

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34945 of 2016

Arising Out of PS.Case No. -128 Year- 2014 Thana -KHARAGPUR District- MUNGER

1. Munna Jawaid son of Late Abdul Rauf, Resident of Village- Roshan Nagar, Police Station- H. Kharagpur, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Opposite Party/s : Mr. Sri Prem Kumar Jha, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-09-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Kharagpur P.S.Case No. 128 of 2014 registered for the offence punishable under Sections 188, 403, 409 and 420 of the Indian Penal Code.

The prosecution case, in brief, is that for the construction of boundary wall of Kabristan (graveyard) at Haveli Kharagpur under Scheme No. 01/ 2012-2013 Rs. 2, 07,500/- (two lacs seven thousand and five hundred) was given to the then Block Welfare Officer, Raj Kumar Prasad on 23.06.2012 but he did not execute the work as per scheme, hence the present Block Development Officer, Surendra Kumar Singh reported the same

on 22.05.2014 for lodging F.I.R.

It has been submitted by the learned counsel for the petitioner that he is innocent and not named in the F.I.R. but during investigation it has transpired that the petitioner is a petty contractor of Raj Kumar Prasad, Block Welfare Officer, Haweli, Kharagpur. He submits that the petitioner has not received any Government money for the aforesaid scheme. He also submits that the Block Welfare Officer, Raj Kumar Prasad has since been granted the privilege of bail by a Co-ordinate Bench of this passed in Cr. Misc. No. 48620 of 2014 on 24.08.2015 as he had undertaken to refund the rest amount after showing the investment made in construction scheme.

However, learned A.P.P. for the State submits that the petitioner is not named in the First Information Report, but during investigation his name surfaced, hence, opposes the prayer for bail.

Be that as it may, since the other co-accused being a Government Officer had already undertaken to return the excess money received by him, let the petitioner, named above, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with

two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Munger in connection with Kharagpur P.S. Case No. 128 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

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