

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44860 of 2018

Arising Out of PS.Case No. -386 Year- 2017 Thana -BARHARA District- BHOJPUR

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1. Fauzdar Singh S/o Late Vijay Bahadur Singh, R/o Vill.- Purkalyan, P.S.-
Bhikhapur, Kotawali, District- Faijabad (Uttar Pradesh).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 08-08-2018

Heard learned counsel for the petitioner as well as the

State.

The petitioner apprehends his arrest in Barhara P.S.
Case No. 386/2017, instituted for the offences punishable under
Sections 406, 409 and 420 of the Indian Penal Code.

It is alleged in the written report that PCC road was
to be constructed from Bakhorapur to the house of Marai Mahto in
terms of BRGF Scheme No. 1/2009-2010. It is further alleged that
the then Mukhiya, namely, Fulchand Ram along with this
petitioner, who was Junior Engineer at the relevant time had
misappropriated Rs. 3, 69,000/- of the said Scheme.

Learned counsel for the petitioner has submitted that
petitioner has not misappropriated the fund of the Panchayat.
Mukhiya and Panchayat Secretary are custodian of said funds. The



petitioner was Junior Engineer at the relevant time. He was only concern to measure work done by the contractor in the M.B. Book.

Considering the facts and circumstances of the case, the prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Barhara P.S. Case No. 386/2017, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur, Ara, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J.)

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