

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22500 of 2018

Arising Out of PS.Case No. -46 Year- 2018 Thana -NAUBATPUR District- PATNA

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Kaushal Kaushik, son of Late Jagdish Prasad, resident of village - Nisarpura, P.O. Amarpura, P.S. Naubatpur, District - Patna presently Chief Councilor, Nagar Panchayat Naubatpur, P.O. and P.S. Naubatpur, District Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anita Kumari, Advocate

For the informant : Mr. Ajay Mishra, Advocate.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

9 10-08-2018 Heard learned counsel for the petitioner, learned counsel for informant and State.

The petitioner apprehends his arrest in **Naubatpur P.S. Case No.46 of 2018** instituted for the offence under Sections 420, 406, 409, 467, 468, 471 and 120(B) of the Indian Penal Code pending in the Court of Additional Chief Judicial Magistrate-II, Danapur, Patna.

Counsel for the petitioner submits that in the First Information Report there is no specific allegation against petitioner of misappropriation of money. Counsel for the petitioner has pointed out First Information Report in which it is alleged that irregularities have been committed in selection of NGO and PMU by the petitioner. It has further been submitted



that recommendation of Estimate Committee, on the basis of which, First Information Report has been lodged, was challenged by the petitioner in this Hon'ble High Court vide CWJC. No. 5756 of 2017 which is still pending (Annexure-3). A contempt application has been filed as MJC 46 of 2018 (Annexure-P10) whereby the Hon'ble High Court has issued Rule in the matter of contempt against opposite Parties No. 2, 3 and 4.

Counsel for the informant has appeared and submitted that there is specific allegation against the petitioner of misappropriation of the Government money and committing irregularities causing huge loss of Rs.49 crores to the Government. From the report of Estimate Committee, it is apparent that various irregularities have been committed by the petitioner in making payment to different beneficiaries.

Counsel for the State has submitted that recommendation of Estimate Committee was challenged in CWJC No. 5756 of 2017, but the same was not accepted by the Hon'ble Court by order passed in LPA No. 1548 of 2017 vide order dated 13.02.2018, copy of which, has been enclosed as Annexure-M to the counter affidavit. A Criminal Writ was also filed by the petitioner to set aside the First Information Report but the same was dismissed as withdrawn. The order has been enclosed as



Annexure-N to the counter affidavit.

The State in its counter affidavit in paragraph-5 has given in detail about the various irregularities and misappropriation of fund committed by the petitioner. The petitioner was Chairman of Nagar Panchayat, Naubatpur. The petitioner has criminal antecedent. There are four cases pending against the petitioner as appear from paragraph-3 of the bail petition.

Therefore, this Court is not inclined to grant anticipatory bail to petitioner.

Prayer for anticipatory bail of the petitioner stands rejected.

Petitioner may surrender before the court below and make prayer for regular bail.

(Sanjay Priya, J)

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