

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17280 of 2018

Arising Out of PS.Case No. -31 Year- 2017 Thana -RAUTA District- PURNIA

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1. Md. Parvej Alam @ Parvej Alam, son of late Md. Mujeeb, resident of village-Shishabari, P.S.-Rauta, District-Purnea.

.... Petitioner/s

Versus

1. The State of Bihar
2. Jai Narayan Mandal, son of late Babu Lal Mandal, presently posted as Prakhand Prasar Padadhikari, Baisa Block, District-Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate

For the Opposite Party/s : Mr. Chaubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 26-04-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Rauta P.S. Case No.31 of 2017** instituted for the offence under Section(s) 420, 406, 409 Indian Penal Code.

Written report has filed by Prakhand Prasar Padadhikari, Baisa, alleging that the petitioner, who was Ex-Chairman of PACS, has withdrawn Rs.2,62,883/- and Rs.3,44,926/- in two installments and have not constructed the Godown, as per standard work order and has managed to file wrong measurement book in collusion with Junior Engineer posted at that time. They have defalcated the government money



and have not constructed the paddy Godown as per standard work order.

Learned counsel for the petitioner has pointed out Annexure-3 and 4/1 of the petition whereby payment of Rs. Rs.2,62,883/- and Rs.3,44,926/- have been made to the petitioner on the basis of the letter of District Co-operative Officer, giving certificate with regard to completion of work up to certain level for which payment was made. Counsel for the petitioner has further submitted that petitioner was elected as Chairman of PACS in the year 2009 and his term has ended in 2014. Thereafter, new Chairman of PACS took over the charge of the work, which has remained in incomplete.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Rauta P.S. Case No.31 of 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 **Additional Chief Judicial Magistrate-II, Purnea**, subject to the conditions as laid down under Section 438(2) 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 his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers 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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