

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26326 of 2018

Arising Out of PS.Case No. -328 Year- 2017 Thana -BAHERA District- DARBHANGA

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Pawan Kumar Paswan, Son of Late Jai Lal Paswan, the then Panchayat Sewak, Gram Panchayat, Devram Amaithi, Police Station- Bahera, District- Darbhanga, resident of Village- Ram Nagar, P.O.-Laherisarai, P.S.- Bahadurpur, District- Darbhanga.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Siddhartha Prasad, Advocate
Mr. Om Prakash Kumar, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 03-05-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with Bahera P.S. Case No. 328 of 2017 registered under Sections 409, 467, 468, 471 and 420 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner that after completion of the work, Junior Engineer prepared the measurement book which would go to suggest that five cheques were issued on different dates by Mukhiya and



counter-signed by the petitioner Panchayat Sevak amounting to a total sum of Rs.3,10,000/- only, but when the cheques were handed over to the material supplier Md. Samshad Alam for withdrawal from bank, he made interpolation in those cheques and in connivance with the Bank Manager withdrew Rs.21,10,000/- instead of Rs.3,10,000/-. He submitted that the moment he got the pass-book updated and came to know about the irregularities, he immediately filed an application on 23.01.2016 to the Branch Manager and immediately thereafter, filed an application on 29.01.2016 before the Block Development Officer, Benipur and Thana Incharge of police station highlighting the forgery and irregularities, but no action was taken against the supplier and the Branch Manager of the concerned bank. He submitted that all the three applications submitted by him to the Branch Manager and the Block Development Officer and the Thana Incharge of Bahera Police Station from part of the instant first information report.

Learned counsel for the State opposed the application for grant of pre-arrest bail to the petitioner. He submitted that from the perusal of the order impugned, it would transpire that the petitioner also conspired together with other



accused persons in fraudulent withdrawal of government money.

Considering the applications filed by the petitioner before the Branch Manager, Block Development Officer and the Officer Incharge of the Police Station highlighting the irregularities in withdrawal of the amount by the contractor, Samshad Alam much before the institution of the first information report, in the event of arrest or surrender in the court below within six weeks from today, he is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Benipur, Darbhanga in connection with Bahera P.S. Case No. 328 of 2017 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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