

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19448 of 2019

Arising Out of PS. Case No.-31 Year-2018 Thana- RAMGARHWA District- East Champaran

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VIJAY SRIVASTAVA @ VIJAY KUMAR @ VIJAY KUMAR SRIWASTAV
@ VIJAY PRASAD S/o Sri Prabhat Srivastava R/o village- Satpipra, Shiv
Nagar, P.S.- Ramgarhwa, District- Purbi Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Prakash Dwivedi

For the Opposite Party/s : Mr. A.L.Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 30-07-2019 The petitioner apprehends his arrest in connection with
Ramgarhwa P.S.Case No. 31 of 2018 registered under Sections
406, 409 and 420/34 of the Indian Penal Code.

Allegation, as per FIR, is that informant is Project
Coordinator of M/s Mata Rani Infrastructure Project and
petitioner was given work of rural electrification for the houses
of B.P.L. families for the period 2014-16 and in the process,
petitioner was allotted fund of Rs. 3,34,132 /- for the period
04.05.2015 to 18.05.2016 and the goods i.e., transformers,
worth Rs. 40-45 lacs were also provided to him by the
informant, but work was not performed as such he
misappropriated the money.

Learned counsel for the petitioner submits that petitioner



has falsely been implicated in this case inasmuch as only Rs. 1,68,432/- and odd was paid by the informant to the petitioner for doing rural electrification work, which was duly performed by the petitioner and at no point of time, transformers and other articles were handed over to the petitioner by the informant. Learned counsel further submits that from perusal of para 26 of the case diary, it would be apparent that all goods relating to rural electrification work were kept in safe custody of some other person.

On the other hand, learned counsel for the State submits that in the case diary, nothing incriminating has come against the petitioner and only material, which has come, that some work has remained to be completed by the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that there appears to be a dispute of performing work between the informant and the petitioner and petitioner has performed the work as per payment given to him and some work has remained due, as such I am inclined to grant anticipatory bail to the petitioner. Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon



furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned SDJM, Raxaul at Motihari in connection with Ramgarhwa P.S.Case No. 31 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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