

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25921 of 2019

Arising Out of PS. Case No.-8 Year-2019 Thana- SHEOHAR District- Sheohar

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1. Sarita Devi aged about 35 years (Female) Wife of Ram Kumar Das
 2. Nanhku Mahto aged about 50 years (Male) Son of Gopal Mahto,
Both Resident of Village-Bisanpur Kisundev, P.S.-Sheohar, District-Sheohar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Hans Lal Kumar, Advocate
For the Opposite Party : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 22-04-2019 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 406, 420 and 409 of the Indian Penal Code registered in connection with Sheohar P.S. Case No. 08 of 2019.

3. It is submitted that the petitioners, who are Chairman-cum-Ward Member and the Secretary of Ward Implementation and Arrangement Committee respectively, have been falsely implicated on the accusation that the work done was not commensurate with the payment made. It is however submitted that the work has been progressing which was earlier delayed owing to non-availability of technical and expert labour. There is no accusation of forgery, irregularity or misappropriation of Government money on the part of the petitioners. The report of the Junior Engineer dated 27.02.2019 also discloses that the work in question would be completed very soon. The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on provisional anticipatory bail on furnishing bail bonds of



Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sheohar in connection with Sheohar P.S. Case No. 08 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That petitioner no. 1 shall be well represented in court on each and every date during trial except as and when directed by the learned court to be physically present; and petitioner no. 2 shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

5. The provisional bail granted to the petitioners shall be confirmed if the petitioners complete the work in question to the satisfaction of the concerned authority within a period of one month from today, failing which their bail bonds shall stand automatically cancelled.

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(Vikash Jain, J)

