

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45947 of 2019

Arising Out of PS. Case No.-42 Year-2019 Thana- RAJEPUR District- East Champaran

KEDAR RAM Son of Chandrika Ram Resident of Village - P.S.- Banjariya
Motihari, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anang Mohan Sinha

For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-07-2019 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Rajepur Police Station Case No. 42 of 2019, disclosing offences under Sections 409 and 420 of the Indian Penal Code.

The allegation against the petitioner, on the basis of the First Information Report, is that the petitioner, being the Panchayat Secretary, committed irregularity in respect of construction of Aanganbari building of Aanganbari Centre No. 124 and when the records were called for from the petitioner, the same was not provided.

Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case with oblique motive. He further submits that the construction work of the Aanganbari Centre under Nonia Panchayat was for the year 2013-14 and at that point of time, the petitioner was not the Panchayat Secretary of Nonia Panchayat and he was working as Panchayat Secretary in Raxaul block. In support of his submission, he has relied on Annexure-2, which is a letter issued by the Block Development officer, Mehsi, stating therein that P.H.E.D. Mechanic -cum- Contractor of Yojana No. 1 of 2013-14 was issued a cheque of Rs, 4,17,500/-, duly signed by the then Panchayat Secretary Bansidhar Prasad and the Mukhiya of that Panchayat, but the construction work was not done by the contractor. He further submits that from perusal of Annexure-2, it is apparent that cheque was not signed by the petitioner and the same was signed by the then Panchayat Secretary Bansidhar Prasad.

After having heard learned Counsel for the parties and taking into consideration the fact that at the relevant time, the petitioner was not posted in the said Panchayat and the cheque, in question, was also not signed by the petitioner for payment to the Contractor, I find it a fit case for grant of privilege of anticipatory bail. Accordingly, this application is allowed.



Let the petitioner, Kedar Ram, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sadar, Motihari, in connection with Rajepur Police Station Case No. 42 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

U	✓	T	✓
---	---	---	---

