

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50753 of 2019

Arising Out of PS. Case No.-254 Year-2019 Thana- GOPALGANJ TOWN District-
Gopalganj

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RAMESH PRASAD SAH @ RAMESH PRASAD Son of Late Ram Das Sah
Resident of Village- Hasanpura, P.S.- Maker, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Y. V. Giri, Sr. Adv.
Mr.Najmul Hoda
For the Opposite Party/s : Mr.Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-08-2019 Heard learned Senior Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Gopalganj Town Police Station Case No. 254 of 2019,
disclosing offences under Sections 406/409/34 of the Indian
Penal Code.

The allegation against the petitioner is that the
petitioner inspected a Poly House, constructed with the aid of
Government fund, in which subsidy was given to the
beneficiary, Geeta Devi, to the extent of Rs. 7,10,226/-. It has
further been alleged that the Development Commissioner
conducted an enquiry on 28.03.2019 and it was found that the
Poly House was not situated over there and the Government



fund has been misappropriated by the petitioner as well as the beneficiary.

Learned Senior Counsel, assisted by Mr. Najmul Hoda, appearing on behalf of the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as the petitioner was posted at Gopalganj as Additional Director on 04.07.2014 and he had inspected the Poly House, constructed for the purpose of beneficiary. He further submits that the fact of the matter is that the inspection has rightly been done by the petitioner and the Poly House was actually constructed at the place meant for it inasmuch as the beneficiary, on 19.04.2015 and 21.09.2015, had made complaint to the concerned authority about the fact that the Poly House had been dismantled in the storm. He further submits that the petitioner, by Annexure-4, had also made a complaint and had recommended for its repair by the agency, which has constructed the Poly House, in question. He further submits that from the enquiry report, it would be evident that the fact regarding the presence of the Poly House on the place of construction was found and it came to light in the enquiry that it had been dismantled due to storm. He further submits that the petitioner was transferred from that place in the year 2017, and, now, after his retirement, the present



case has been lodged in the year 2019, i.e. after five years of the construction of Poly House. He further submits that in course of investigation, it has also come to light that the place where the Poly House was constructed, there was mark of iron, structure, etc. of the presence of Poly House at that place.

After having heard learned Counsel for the parties and taking into consideration the fact that the complaints were made by the beneficiary as well as the petitioner to the concerned authority and the agency regarding dismantling of the Poly House, way back in the year 2015 and the present case has been lodged after a lapse of five years from the date of construction of the alleged Poly House, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Ramesh Prasad Sah @ Rameh Prasad, 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 Chief Judicial Magistrate, Gopalganj, in connection with Gopalganj Town Police Station Case No. 254 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.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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