

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2986 of 2019

In
CRIMINAL MISCELLANEOUS No.41125 of 2019

Arising Out of PS. Case No.-130 Year-2018 Thana- RAJAON District- Banka

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SUMIT KUMAR CHAUDHARY Son of Naresh Prasad Chaudhary @
Naresh Chaudhary Resident of Village - Barahat, P.S.- Barahat, Distt - Banka.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Pramod Kumar Mishra
Mr. Swapnil Kumar Singh
For the Respondent/s : Mr.Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

7 11-09-2019 Heard learned counsel for the appellant and
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for bail vide order dated 23.05.2019 passed by learned 1st Addl. Sessions Judge, Banka in Rajoun P.S. Case No. 130 of 2018 registered under Sections 419, 420, 467 and 468 of the Indian Penal Code and Sections 3(1)(x) of the SC/ST Act.

Rs.11,45,574/- was sanctioned to give water connection in the village under Nal Jal Yojna. The appellant happens to be contractor but despite withdrawing money he did not carry out the aforesaid work and on protest made by the



informant, appellant by calling him at his shop obtained his signature on some paper and two cheques and slated him in the name of his caste.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case by the informant who happens to be ward member of the aforesaid ward. Appellant has carried out 90% work under the aforesaid scheme, but it is the informant who demands graft and on failure to cough up the aforesaid demand by the appellant, he kept the materials at his door and did not allow him to carry out rest of the work. Several villagers in Para-59 of the case diary have unanimously stated that the informant demands graft of Rs. 4 lacs and did not allow the appellant to carry out the work and kept the materials meant for carrying out the work at his door. However appellant undertakes to carry out rest of the work within three months. Appellant has no criminal antecedent and has been languishing in custody since 27.04.2019.

On the other hand, learned Spl.PP for the State opposing the bail petition submitted that despite withdrawing money appellant did not complete the work under the aforesaid scheme and moreover he used sub-standard quality of material



in the work. Hence he does not deserve bail.

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on **provisional bail** on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge, Banka in connection with Rajoun P.S. Case No. 130 of 2018.

However on completion of the entire work by the appellant by using standard quality of materials within the aforesaid period, learned lower court shall be at liberty to confirm the provisional bail granted to the appellant. In case of any hindrance made by the informant, appellant will be given protection by the concerned S.H.O. in carrying out aforesaid work.

Accordingly, this appeal is disposed of.

(Prakash Chandra Jaiswal, J)

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