

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59023 of 2019

Arising Out of PS. Case No.-122 Year-1998 Thana- KHAIRA District- Jamui

Shivanand Yadav @ Shiv Nandan Yadav @ Shivnandan Prasad Yadav, Son of
Late Kanik Lal Yadav, Resident of Ward No. 02, Gadhia, Garhia, P.S.-
Kumarkhand, District- Madhepura, Pin Code-852112 (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saket Gupta

For the Opposite Party/s : Mr.Kalyan Shankar

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 19-09-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Khaira P.S. Case No. 122 of 1998 registered under Sections
409 read with Section 120B of the Indian Penal Code.

The accusation is that under District Rural
Development Agency, Jamui-cum- Anganwari Workshop
Building Department, building was to be constructed at Plot No.
16 of Village Kumardih, for which, Jai Prakash Kumar Yadav
was selected as agent. While Jai Prakash Kumar Yadav received
Rs.87,500/- in four installments for construction of the building
but the same was misappropriated in collusion with the Block
Development Officer, Shivnand Yadav (petitioner) and Jai



Prakash Kumar Yadav constructed his house at another place.

Learned counsel for the petitioner submits that informant, who is local contractor, has no locus standi to lodge the present case, as detailed in the complaint petition, which has been filed in the court of Chief Judicial Magistrate, Jamui, which is the basis of the F.I.R. and nothing has been detailed in the complaint petition with regard to conspiracy of the petitioner showing his involvement in the present case. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned A.C.J.M.-I, Jamui, in connection with Khaira P.S. Case No. 122 of 1998, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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