

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 79672 of 2019

Arising Out of PS. Case No.-19 Year-2019 Thana- TARIYANI CHAPRA PS District-
Sheohar

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SANJAY KUMAR S/o- Bigu Das Resident of Village- Bishambharpur, P.S.-
Tariyani Chhapra District- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lakshmi Kant Tiwary

For the Opposite Party/s : Mr.Anita Kumari Singh

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 10-12-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has been in custody since 20.07.2019 in
connection with Tariyani Chhapra P.S. Case No. 19 of 2019
registered for the offence punishable under Sections 406/409/
420/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that only
because the petitioner Sanjay Kumar is alleged to have not
completed the work prescribed under the “Nal Jal Yojana”
despite orders from Senior Officers, it been presumed that he
has misappropriated government money after withdrawing the
same and on the said basis, the petitioner has been taken into
custody. It is further submitted that the said prosecution has
been started on the basis of instigation of the deponent of Ward



No. 7 who were out to take illegal gratification for conducting the work. It is further submitted that under the provisions and instructions of the government, the Ward Member is wholly responsible for doing the work and the role of Secretary is only to sign cheques along with the sign of the Ward Member. It is further submitted that the Ward Member of Ward No. 7, Rupkanti Devi, has since been extended the privilege of bail in Cr. Misc. No. 53090 of 2019 vide order dated 26.08.2019. It is further submitted that vide Annexure -2 Series, it has come on record that the work could not be concluded on account of land dispute. Furthermore, it has come that the work of part-A of the ‘ Nal Jal Yojana’ has been completed.

Considering the aforementioned facts and circumstances, let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sheohar, in connection with Tariyani Chhapra P.S. Case No. 19 of 2019.

(Anjana Mishra, J)

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