

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80651 of 2018

Arising Out of PS. Case No.-42 Year-2017 Thana- NAUBATPUR District- Patna

Sanjeev Kumar, S/o Satender Kumar R/o-Nagwa, P.S-Naubatpur, Dist.-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Patanjali Rishi, Advocate
For the Opposite Party : Mr. Manoj Kumar – 1, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 08-02-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection with
Naubatpur P. S. Case No. 42 of 2017 registered under Section
409 of the Indian Penal Code.

The allegation made in the first information report
according to Mr. Rajeev Kumar Singh, Executive Officer, Nagar
Panchayat, Naubatpur is that in the financial year 2014-15, in
Ward No. 5 drainage was to be constructed from NH-98 to the
house of Jhunnu Mian. The estimated cost for the said
construction was Rs.2,67,200/-. However, without any
construction made at the given place the petitioner withdrew
Rs.2,28,077/-.

Learned counsel appearing for the petitioner



submitted that though the construction work of drainage was approved from NH-98 to the house of Jhunnu Mian, since the area was not proper and construction was not possible, he apprised the authorities and he was orally instructed to construct the drainage from the house of Jhunnu Mian to the house of Arun Rajak with assurance that, subsequently, the necessary formalities would be completed as a result of which, he made construction at a different site and it is not true that no construction work has been done. Since the State opposed the application for grant of pre-arrest bail to the petitioner, he submitted that he is ready to deposit the amount of Rs.2,28,077/- which is said to have been defalcated by him in the court.

Considering the submission made above, the application for grant of pre-arrest bail is allowed.

The petitioner shall be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Danapur, Patna in Naubatpur P. S. Case No. 42 of 2017, in the event of his arrest or surrender subject to deposit of Rs.2,28,077/- in the *Nazrat* of the court within ten weeks from today as also subject to the conditions as



laid down under Section 438 (2) of the Code of Criminal Procedure.

The amount so deposited shall be subject to outcome of the result of the trial.

(Ashwani Kumar Singh, J)

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