

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4707 of 2019

Arising Out of PS. Case No.-192 Year-2019 Thana- PAHARPUR District- East Champaran

Dinesh Lal Sriwastava Son of Sri Naresh Lal Sriwastava @ Ramnaresh Prasad Resident of Village - Panditpur, P.S.- Paharpur, District- East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 03-12-2019 Appellant seeks bail against the order dated 04.09.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, East Champaran, Motihari in connection with Paharpur P.S. Case No. 192 of 2019, for the offences punishable under Section 406, 420, 34 of the I.P.C. and Section 3(i)(r) and 3(2)(v)(a) of the SC/ST Act.

As per F.I.R. allegation against the appellant is that the work of Nal Jal Yojna, for which the allotment has been made. Co-accused Arjun Ram and Anil Pandey assured him to get the aforesaid work carried out by Om Trader and trusting upon them, he gave a cheque of Rs. 4 lacs to the appellant in the name of Om Traders, who after depositing the said cheque in the account of the said firm, they withdrew the same. Subsequently,



appellant along with other accused approached him and appellant received a cheque of Rs. 6 lacs for carrying out the rest of the work in the name of Jagdamba Traders and depositing the aforesaid cheque in the account of the said firm, the appellant withdrew the same, but he carried out work of only Rs. 2 lacs and on demand of rest of the money by the informant all the three named accused persons including the appellant abused him in the name of his caste and assaulted him.

Submission of learned counsel for the appellant is that there is no allegation of abuse and assault against this appellant and so far allegation of taking cheques in the account of Om Traders and Jagdamba Traders is not against him and as such, he cannot be punished for that.

On the other hand learned Special P.P. as well as learned counsel for the informant has opposed the prayer for bail on the ground that the appellant has misused the government fund as such he does not deserve bail.

Having heard both sides, in view of the facts as stated above, I am not inclined to grant privilege of anticipatory bail to the appellant. However, if he prays for regular bail, the learned court below shall consider the same on its own merit and also consider this aspect of the matter that as to whether the



appellant is ready to return the amount or to complete the work,
should consider the same.

With the aforesaid, this application is dismissed.

(Vinod Kumar Sinha, J)

Rahul Mishra-

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