

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73880 of 2019

Arising Out of PS. Case No.-73 Year-2019 Thana- DEO District- Aurangabad

Nitish Kumar Singh @ Nitish Kumar, Son of Arvind Singh, Resident of
Village - Dhanav, P.S.- Deo, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Deo P.S. Case No.73 of 2019, registered for the offences
punishable under Sections 406, 409, 420/34 of the Indian Penal
Code.

The allegation against the petitioner as per the First
Information report lodged by BDO, Deo that a letter from
District Magistrate dated 01.04.2019 was received by the BDO
for lodging an FIR against the accused persons and also against
the agency who has received a lakhs of rupees for executing
scheme “Har Ghar Nal Ka Jal Yojna” but the agency as well as
official named in First Information Report without completing
the work has misappropriated the amount, in question.



Mr. Krishna Prasad Singh, learned senior counsel appearing for the petitioner submits that petitioner has falsely been implicated in this case and the present FIR has been lodged without application of mind inasmuch as the petitioner happens to be the Secretary of the Sargawa Panchayat and referring to paragraph 9, 10 and 11 of this petition, Learned senior counsel further submits that the fact of the matter is that work in this Panchayat has already been finished and measurement book has also been submitted after completion of the project under “Har Ghar Nal Ka Jal Yojna” by his Executive engineers and others. Learned senior counsel further submits that the completion of work in this project has also been passed in the ‘Aam Sabha’ of the Panchayat and the same has been entered in the daily progress report of the ‘Aam Sabha’. Learned senior counsel further submits that the present FIR has been lodged regarding non-completion of the work in Panchayat by Executive agency and the petitioner.

Having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that the petitioner in paragraph 9, 10 and 11 has categorically stated about the completion of the work by the petitioner and the concerned agency, I am inclined



to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Deo P.S. Case No.73 of 2019, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

sanjeev/-

U		T	
---	--	---	--

